

COUNCIL MEETING

MARCH 11, 2020

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, March 11, 2020 at 8:34 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable Ross Kagawa
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun*
 Honorable KipuKai Kualii

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda, as circulated, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the agenda?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, members, is there any discussion?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: The motion is carried. Next item, please.

MINUTES of the following meetings of the Council:

January 29, 2020 Council Meeting
February 5, 2020 Council Meeting
February 19, 2020 Public Hearing re: Bill No. 2770, Bill No. 2771,
Bill No. 2772, Bill No. 2773, and Bill No. 2774

Councilmember Chock moved to approve the Minutes as circulated, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Minutes?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: The motion is carried. Next item.

INTERVIEWS:

PLANNING COMMISSION:

- Helen A. Cox (*Environmental*) – Term ending 12/31/2020

ELLEN CHING, Boards & Commissions Administrator: Good morning, Ellen Ching, Boards & Commissions Administrator. This morning I am happy to introduce Helen Cox. Most of you know her as our beloved Chancellor of the Kaua'i Community College (KCC), most recently retired. Born and raised on O'ahu, Helen spent almost every summer on Kaua'i when she was growing up until she left for college. She earned a Bachelor's Degree from Harvard, a Masters and Doctorate Degrees from University of Utah. Before returning home to Hawai'i, Helen served as the Associate Vice President for General and International Education at Salt Lake Community College in Utah, which is one of the largest community colleges in the Country. With Helen's leadership at KCC, we now enjoy the Saturday Community Market and students interested in Engineering, Sciences, and Math can pursue an Associate's Degree in Natural Sciences. She also initiated Ulutopia, an exciting partnership with the National Tropical Botanical Gardens (NTBG), to do field research on breadfruit, which has the potential to alleviate hunger in the tropics. Lastly, but not least, she created, Ho'ouluwehi, the innovative Sustainable Living Institute to educate tomorrow's leaders on resiliency and sustainability. Since her retirement, she is hoping to have more time to hike, garden, swim, write, and play her *ukulele*, guitar, or piano. She has never served on a board or commission and I freely admit that I hounded, begged, pleaded, and groveled, to get her here. I am so pleased that as a community we will continue to enjoy the benefits of her considerable talents and knowledge with her participation on the Planning Commission in the Environmental position.

Council Chair Kaneshiro: Helen, anything you want to add to that?

HELEN A. COX: That was very nice, Ellen. Yes, she did grovel a little bit, but I thoroughly expected to serve at some point. I just thought I would have...everyone told me, "Do not say "yes" right away. Take some time. Enjoy. Figure out where you want to add your *mana'o*, then jump back in." This was a little sooner than I would have thought.

Council Chair Kaneshiro: Congratulations, I think it is less than a month or so. Any questions from the members? Councilmember Kagawa.

Councilmember Kagawa: I want to thank you for being willing to serve. I know having been Chancellor at KCC, you have the track record of putting in the hours and time for the critical decisions that our Planning Commission makes. I think next to this Council, it is probably the most important body that makes decisions about the future of Kaua'i. I thank you, again, for serving. All I ask is that you please put the local people of Kaua'i first, as you make your decisions. I saw a report that stated how Kaua'i is attracting a lot of mainland retirees. They are making up the bulk of the increased population. But what I believe the Planning Commission needs to do is...yes, money is going to attract retirees to properties on Kaua'i, but the Planning Commission and County Council have to do all we can to preserve and protect our local families that want to choose to live here, not be priced out and forced to move to the mainland.

Ms. Cox: I agree.

Councilmember Kagawa: I just ask you to please do that. Thank you.

Ms. Cox: Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Chair. Helen, thank you for jumping back in to the fire. This is an important role for us at the County and the Planning Commission to definitely take on some really big issues for the revampment and growth of our island, so as the environmental representative, I will echo some of what Vice Chair has to ask and plead for your representation. You have seen, in terms of the environment, there has been some really big issues that have come up where we have filled the room up and even outside, into the hallway, as it relates to the Pa'akai Hui and others. I know it will take a little time, but you have been watching, so I expect that this will be a good journey, another good adventure. Thank you.

Ms. Cox: Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I want to echo the gratitude. I feel you will be an excellent person in this position. How long have you been at KCC?

Ms. Cox: I served as Chancellor for eleven and a half (11 ½) years.

Councilmember Cowden: Eleven and a half (11 ½) years with a focus on our youth, mostly our youth, not entirely our youth, but where they can take the directional change. I appreciate all the programs that have been there that have been innovative and I see the smiles on people's faces. I have a lot of young friends there and I see how happy they are. What I really appreciate is the broad exposure that you have through the college to be able to be looking at things in all the different dimensions. Have you looked much at the hydrology and the different topography of the island? That is where I think that we can look in planning a little bit, to have some awareness that one valley is not the same as the next.

Ms. Cox: I have a general understanding, but I certainly would say, as issues come up, I would have to look at the issues individually.

Councilmember Cowden: Well, I think you are an excellent choice. You will be great there and I know that you are a hard worker. It does take a hard worker for the Planning Commission.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I know you are going to do a great job on the Planning Commission. I appreciate your willingness to come out of retirement, after just one (1) month. I am not sure, if I had just retired after a long career, I am not sure that I would only take a month off, but I appreciate your willingness to jump right into the fire here. I know, in addition to your impressive resume, that you have also served on the Community Advisory Committee (CAC) for the General Plan Updates. I think you bring an in-depth knowledge of the General Plan and that sort of guiding principle to the Planning Commission, so I think you will bring a good all-around perspective there. Thank you, again, for your willingness to serve.

Ms. Cox: Thank you.

Council Chair Kaneshiro: Is there anyone else? Okay, no. Thank you, Helen for being willing to serve. Next up is Francis.

PLANNING COMMISSION:

- Francis Paul DeGracia, Jr. (*Labor*) – Term ending 12/31/2022

Ms. Ching: Francis is a life-long resident of Kaua'i, except for a short stint on O'ahu and we will forgive him for that. Francis has had an interesting professional life, first as a customer service agent, then an instructor with Aloha Airlines. He remembers those days fondly; the people he worked with and even the hard times when the company was closing and all those people that needed to find a new job, Francis worked there until the very end. Today, Francis is the Hawai'i Regional Council of Carpenters Field Representative. When I asked him, "What is

that? What do you do?" I picture it like a see-saw, the contractors call him when they need a workforce and workforce or carpenters call him when they want a job. Seems easy enough, I guess, but then I started thinking about it, all these people calling when they need a job and there are no jobs on the near horizon, calling when they believe the jobsite is not safe or they are not being treated fairly, contractors calling when they believe that someone is not doing their job correctly, Francis is in the middle of fielding all of those calls. He is constantly on the go and constantly tracking projects to keep the job assignments going, but Francis takes it all in stride. He credits his experience with Aloha Airlines as the perfect training for this current position. When he can steal a couple of moments, he enjoys surfing at Nāwiliwili, fishing, or playing music. When asked, "Besides family and pets, if your house was burning down, what is the one (1) thing you would save?" His Taylor koa guitar. The first one he bought when he was in college for a whopping one thousand two hundred dollars (\$1,200), that he scrimped and saved for. Francis has never served on a board or commission and we look forward to his fresh ideas and contribution on the Planning Commission in the Labor position.

Council Chair Kaneshiro: Francis, anything you want to add to that?

FRANCIS PAUL DEGRACIA, JR.: I am looking forward to doing this public service. Anything I can do to weigh in, I know that the gravity of the decisions placed before the Planning Commission is great and I am going to do my best to make wise decisions for the benefit of this County, for our island, for the *‘āina*.

Council Chair Kaneshiro: Thank you. Listening to the see-saw and complaints, you could probably be on the Council, too. Is there any comments from the members or questions? Councilmember Kagawa.

Councilmember Kagawa: If there is any board meeting that I watch, I watch the Planning Commission, quite often. For me, I think Sean Mahoney, who came from the same agency prior to Francis, does a tremendous job on the Planning Commission. He is balanced, he is fair, and he does his homework. I did not know much when I approved Sean before, I just saw that he was humble and he really worked out well. I do not think, since I have been on the Council, I have ever denied any appointment, so far, correct me if I am wrong. Basically, we take the recommendation of the Administration, I do not want to say, "rubber stamp," but so far, one hundred percent (100%), in my eight (8) years, have been approved. I think, Francis, I have known him a little bit, we have had conversations. I think he is a super star, National Basketball Association (NBA), he would be LeBron James. I am really glad you have Francis to be willing to do it. Francis, just be you. It is a really important decision, but as long you come from the heart and you do what is right for the people, it is always going to be the right decision. There is always going to be people, even on this body, when you make a decision, there are going to be some who

do not agree with every decision, but when you do what is in your heart, then you can sleep at night. Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Francis. I think you are perfect for this position, so thank you for stepping up and volunteering your time. I think walking in the footsteps of Mr. Mahoney, I think is good to have that kind of mentorship, as well. As the Planning Chair for the Council, the more work you folks get done and the better work you get done ahead of time, makes it easier for us here. There are a lot of big documents, like the West Kaua'i Plan that will be coming through soon, so I look forward to you folks diving into it. Ellen, I think this makes the Planning Commission complete and full.

Ms. Ching: Yes.

Councilmember Chock: Good, thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am really excited to have you on. I believe, with Helen Cox and yourself, we really have a nice rounding, and different angles of perspective on it. Thank you so much, I basically concur with what the rest of the folks have said. Shawn Mahoney has been really wonderful from your same organization. I appreciate all your background and I really want to honor the importance of labor as having a seat at the table, and you are perfect for that position, so thank you.

Mr. DeGracia, Jr.: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Francis, I know you are going to do great. I have had the honor of knowing you most of my life here. I know that you are going to bring...you work hard, and have a strong sense of ethics and I know you will bring that to the Planning Commission. Especially, as Councilmember Cowden said, I think bringing the perspective of labor, especially from a construction trade is really important in doing that, as you said, for the benefit of Kaua'i. I appreciate your willingness to serve on the Planning Commission. It is a lot of work. There are a lot of tough decisions there and I think you are going to do a good job helping Kaua'i, so thank you.

Council Chair Kaneshiro: Thank you, Francis. I know you have a good mentor in Shawn. I know he has been traveling a lot, but I do not think he will be

traveling much now, so he might be bored and wanting to help you a lot more now. I have all the faith in you doing well at Planning Commission. Thank you for wanting to serve.

Mr. DeGracia, Jr.: Thank you.

Council Chair Kaneshiro: Next up is the Consent Calendar.

CONSENT CALENDAR:

C 2020-61 Communication (02/07/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Gregory A. Kamm to the Board of Water Supply – Term ending 12/31/2022.

C 2020-62 Communication (02/07/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Laurie L. K. Yoshida to the Salary Commission – Term ending 12/31/2022.

C 2020-63 Communication (02/19/2020) from the Director of Finance, transmitting for Council information, the Period 5 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of November 30, 2019, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2019-2020: Councilmember Kagawa moved to receive C 2020-61, C 2020-62, and C 2020-63 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Consent Calendar?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to receive C 2020-61, C 2020-62, and C 2020-63 for the record was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

There being no objections, C 2020-68 was taken out of order.

COMMUNICATIONS:

C 2020-68 Communication (02/19/2020) from Dr. Janet M. Berreman, Kauaʻi District Health Officer, State of Hawaiʻi, Department of Health, requesting agenda time to provide a briefing on Tropic Care 2020: Councilmember Kagawa moved to receive C 2020-68 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Dr. Janet, I will give the floor to you. For Councilmembers' information, we will be taking the Emergency Bill for the novel coronavirus (COVID-19) directly after this, so Janet, if you want to stick around for a little while after yours we will be talking about that Bill, also.

There being no objections, the rules were suspend.

DR. JANET M. BERREMAN, Kaua'i District Health Officer: I plan to stick around, thank you very much. I am Dr. Janet Berreman. I am the Kaua'i District Health Officer with the Department of Health. The agenda item that I wanted to tell you about right now is Tropic Care, which is an innovative readiness training mission, which we have been honored to have four (4) times in the past and is scheduled to come back to our island again this summer, so it will be the fifth mission here. I will say, that with all of the news about coronavirus and changes coming very frequently, I think we all have to recognize that plans may change based on circumstances, but we have our team here for the final planning meeting this week and I wanted to let Lieutenant Colonel Paul Sherman tell you about the planned activities.

LIEUTENANT COLONEL PAUL SHERMAN: I feel like I am in the "hot seat" a little bit, I never thought I would be testifying. I feel like I am testifying or something. My name is Lieutenant Colonel Paul Sherman. I am in the Arkansas Guard, medical man for thirty-two (32) years in the military, in the Air Guard now. My unit applied for this mission, and the way it works is you apply through the Innovative Readiness Training (IRT) program, I think there was close to two hundred and fifty (250) applications from communities to be involved and I think they chose about twenty-eight (28) this year. I think there is probably about five (5) medical around the nation. Then the military units also apply for these—that is what we did. It is military folks from all-over. On this particular mission, we have three hundred and fifty (350) military people coming in. We have Army National Guard from Maryland, Delaware. We have Air National Guard from Rhode Island, Arkansas, and Montana. We have Navy Reserves, Marines Reserves, and Active Duty Air Force. Then, this particular year we are going to have four (4) British soldiers, who actually do an exchange program with the Army Guard, so they send some folks to train with them, then their soldiers come and train with us. So we will have four (4) British soldiers with us this year. The primary mission of an IRT is training. It is training for us for deployment, redeployment, and then in our mission in an austere environment. We will be staying in tents. Our main tent city is at Vidinha Stadium, then another tent city that we are going to put at the Hanapēpē Armory. They actually sit on the stadium County grounds now, so we will not be on the Armory property, except we will see patients in the Armory. I think there will be about two hundred and fifty (250) members at Vidinha Stadium and then probably about eighty (80) at the Armory. The big thing is the local community benefits from our training, so it is a win-win situation. The benefit to you folks is we offer no-cost healthcare. We stay away from the word "free," because there is a cost to this—it is taxpayer money. It is a big cost when I go into telling you all that is involved—there is a lot logistics. I did not know I was volunteering to be over everything on this tent city—getting three hundred fifty (350) people here. There are a lot of logistics to get everyone to the middle of the Pacific Ocean. The services that we are going to offer is on the handout there, but we will do basic medical screens—we cannot do anything long-term, we cannot treat long-term illnesses, some acute, small

injuries we can do. Whatever is in our formulary. The main push on the mission is dental and optometry. We will be running about twenty (20) dental chairs per day. There will be eight (8) at each of the primary locations, and the primary treatment site is the Kaua'i War Memorial Convention Hall. The other primary site is the Hanapēpē Armory. Then, we are going to run two (2) what we call mobile sites, which will be a little bit of a smaller footprint, but they will go to Hanalei first, for three (3) days, then they will move back to Anahola, for three (3) days, then that would be complete from there. There is no discrimination on who can get care. We do not check income or anything of that sort. It is just wide-open to anyone who needs dental—basic extractions, fillings, or things like that. The vision exams are mostly vision screenings, then offered glasses. We have a unit that comes in from the Navy that is called Nostra and they are going to set-up...after you get your prescription, they are going to make the glasses. Then a day or two (2) later it goes back to the location and the individual picks up the glasses at the location, so that is a big win. Some of the logistics, just so you know, it is off a little bit on the fact sheet, I had one hundred five thousand pounds (105,000) of cargo, but we have one hundred seventy-five thousand pounds (175,000) of cargo coming. On inbound we are going to have four (4) C-17s—two (2) will come in on April 19th. One (1) will come in on April 20th. Then one (1) will come in on April 24th. We will also have two (2) C-130s come in, so that is a pretty significant footprint. We have a meeting with the airport on Thursday about parking and servicing those aircrafts, et cetera. C-17s are pretty big. Some of the County involvement that we have—the County is going to offer transportation to us. I think they are offering up two (2) buses, to help our folks get from the airport to the bed-down location. Then, if we need basic transportation to move folks around. The people at Vidinha Stadium are probably going to walk to the Kaua'i War Memorial Convention Hall in the morning, then the people who are bedding down at the Armory, it is right there—it is right next to each other. Also, the County has agreed and I think the Mayor agreed to give us the fuel for the generators for the bed-down site—that is a significant input. I think we estimated that it was nine thousand five hundred (9,500) gallons of diesel. We are having some discussion where we may knock-off the environmental control units for the air conditioning for the tents, so if we do that, that footprint would go down. Of course, the Department of Health has been key in all of this, they applied for the mission and we have been working with them since November. We had an initial planning meeting in November here, then we had a mid-planning meeting in Indiana, then this is the final planning meeting this week—that is why we are here. I do not think I have anything else. The actual dates of the mission are April 24 to May 8. We will have, what we call an ADVON team, which will help set-up. They will be coming in as early as April 19th, so those aircrafts will start coming in then and start moving equipment to Vidinha Stadium and setting up and preparing for the main body to come in. I think there is probably one hundred fifty (150) people coming in commercial and the rest will be on the military aircrafts. I think I may have covered everything. At this point, do you have any questions for me?

Council Chair Kaneshiro: Thank you for that presentation and this write-up. I know Tropic Care has come to Kaua'i a few times, probably four (4) or five (5) times. I think we have had only positive responses to it. I do not want to make-up a number, but I know you folks have served thousands of residents on the island each time. Again, it is no-cost services to our residents and for me, it has always been a positive and a great thing. I did get a little scared when you said you are going to

shut-down the environmental control units, until you said it was the air conditioning units. Is there any questions for the members? Councilmember Cowden, then Councilmember Kagawa.

Councilmember Cowden: First of all, thank you for coming and what a wonderful organization. I have gone there and I have also seen how many people really benefit. Something that came up at the very introduction of this, is that plans might change relative to the coronavirus? In what way would they change?

Mr. Sherman: Basically, we take our direction from a higher pay grade than me, so the folks in Washington D.C. are watching this every single day. The military folks view it from a readiness standpoint, so they do not want a bunch of our troops sick. People are coming from all over the nation, so they are evaluating everyday on what is going on. The other thing is, individual states may, because we are coming from all over, for example, I think the Governor of Arkansas just recently restricted travel for State employees for sixty (60) days. Well, I actually fall under the Governor of Arkansas, so I am not sure though, that he would restrict the military folks too, so we will find out on that going forward. Of course, in Washington D.C at the National Guard level they are already starting to do teleworks.

Councilmember Cowden: Okay, so that means you would not come. I was hoping if we had a problem that you folks would be here longer.

Mr. Sherman: The one thing is, this is outside any kind of response. In the IRT program, even though we are in the National Guard, we cannot respond to...like if you were to have a hurricane here, while we were here, and people got injured, we technically are not supposed to respond to that.

Councilmember Cowden: Okay, thank you so much.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Thank you. I want to echo and thank Tropic Care for all of the years and organizers. Years and years of helping the people of Kaua'i with the free service. I also have been there, way back, before I was on the Council, to check my eyes. I did get a free pair of glasses and it was awesome, but it was pretty crazy. It was like a rock concert, so many people. My question was about teeth, I know the longest line was for the dental. For the public's education, how much can the public expect when they stand in that line, because I imagine you are not going to do miracles, right?

Mr. Sherman: Right.

Councilmember Kagawa: If you have no teeth, you are not going to come out with teeth, right?

Mr. Sherman: That is right. That is correct. We will be doing basic dentistry.

Councilmember Kagawa: What does that include?

Mr. Sherman: Basic teeth extraction, but not wisdom teeth, because wisdom teeth requires anesthesia.

Councilmember Kagawa: Okay, no wisdoms.

Mr. Sherman: Yes, no wisdom teeth. Basic fillings and extractions is what you can expect.

Councilmember Kagawa: Okay.

Mr. Sherman: We have had some discussion about making sure everyone is treated fairly, when you talk about the lines. I think this year we are postured to see probably five thousand (5,000) “encounters” across all the specialties. We are working through that. A lot of these people have experience on IRTs before—some of the people on this mission have been here before. They will hand out some sort of number system in the beginning—“this is who was here first”—because people will line up really early in the morning. Those people who do not get seen have priority the next day, so those are some of the things that we are working out right now. As far as the dental, what they will do is basically evaluate and say, “We can do this much service in an hour.” If it is fill two (2) fillings on that person, they will fill those two (2) fillings. Maybe that person needs five (5), but that takes two (2) to three (3) hours, which is not fair to the people in line...

Councilmember Kagawa: Okay.

Mr. Sherman: What we expect our dentist to do is evaluate and do what you can in one (1) hour. Then, if that person needs additional treatment, they get back in the mix of things.

Councilmember Kagawa: Okay.

Mr. Sherman: I think the optometry will offer one (1) to two (2) pairs of glasses, if someone can confirm that. One (1) pair of glasses. They will do the basic screening, get the prescription, and then get it to you.

Councilmember Kagawa: Fit you with the appropriate glasses.

Mr. Sherman: Right, yes.

Councilmember Kagawa: Thank you. I am glad you explained that process. To me, it is a nice, fair process that you folks have developed to keep the line moving, so we do not give one (1) person more service than others.

Mr. Sherman: Yes, sir.

Councilmember Kagawa: Thank you for all you folks do. You are all LeBrons back there.

Council Chair Kaneshiro: Are there any other questions from the members? Councilmember Chock.

Councilmember Chock: Thank you. We are blessed and thankful. Thank you for the Department of Health, as well. I am sure the location makes it appealing. By a show of hands, how many people have been here, who are somewhat familiar to Kaua'i and been a part of this every year? Great, well welcome back. The service has been...I have been there and I thought you folks did a really great job. I know it is a training experience for you folks, but it serves the public a lot, so I think people here on Kaua'i actually look forward to it. Do not spoil us too much, but do come back every year. Thank you, again. Did you say you did not know you were going to be responsible for everyone? Did you miss a meeting?

Mr. Sherman: I have been in medical for thirty-two (32) years, so I have become an expert in feeding three hundred fifty (350) people. I have become an expert in bedding down three hundred fifty (350) people. Moving three hundred fifty (350) people, so this has been good training for me, which is the primary mission of the IRT.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just want to echo my colleagues' "thank-you"s for coming here. I remember when I was younger, seeing massive mobilization and it was always such a cool thing to watch. I am sure, hopefully, it is a decent recruitment tool also, as you see all these kids who are seeing that this is a great way to help serve, so thank you for the work that you do. In your introduction, did you say that there was something like two hundred and fifty (250) communities that applied and twenty-five (25) got it?

Mr. Sherman: I think it is. Originally, when I went to the workshop for this, I think there was two hundred and eighty (280) communities applied and I think about twenty eight (28) got it, so ten percent (10%). Now, there are different IRTs too, there is civil engineering, which build projects for communities. I think there are probably five (5) medical IRTs this year—more than that.

Councilmember Evslin: It feels like you folks are here pretty often. It seems we are batting better than one (1) in ten (10). Is there something about Kaua'i that we end up having Tropic Care more than other communities?

Mr. Sherman: I cannot answer that question. I am not really sure. I have looked at an application once, so I just know that your health department must be good at doing that application.

Councilmember Evslin: Well, good job.

Mr. Sherman: Of course, Hawai'i is a nice place, it is not necessarily based on that, but one thing, I have been in a long time and I view this mission, you said something about recruiting, but I also view it as retention, because a lot of our young folks, these days, may have never been on a military aircraft, so now

we are going to put them on a military aircraft, come to a nice location—they will be staying in tents, but still a nice location and they get to see...some of these young folks would never get to come to Kauaʻi, due to costs.

Councilmember Evslin: Well, I certainly hope that the coronavirus does not derail any plans here. It seems like with the news coming out of Italy of overwhelming hospital systems that are having a hard time serving these types of more basic needs, it seems like it could be a really good time for us to have this ancillary benefit here. Thank you folks, I really hope everything works out and we will see you in a month or so.

Mr. Sherman: Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Just a follow-up regarding the coronavirus. I know you folks are providing basic services, but you do not have the capacity for testing.

Mr. Sherman: No. We would not do that for coronavirus. First of all, we would screen our own folks, which is just a basic screening—the same questions that every American citizen gets when they go traveling and we may actually screen patients with the same questions, which we have actual public health-specific job members coming, so that will be part of their training. They will get real-world training in that scenario.

Council Chair Kaneshiro: Okay, thank you. Are there any further questions from the members?

Dr. Berreman: I just wanted to make a couple of comments. Thank you all for your nice comments and I appreciate Lieutenant Colonel Sherman saying how fortunate we are to have Tropic Care coming back for a fifth time, because it is unusual and although people think it has come every year, it has not been every year—this time it will have been three (3) years since the last one, so we should feel very blessed and very fortunate every time this happens. I wanted to add that the County is also contributing by no-fare on the fixed routes on the Kauaʻi Bus for the entire duration of the clinics, so that is a benefit for residents and an enormous contribution of the County, so thank you for that. The dates that Lieutenant Colonel Sherman shared were the dates of the entire mission troops being here. The clinic dates are April 27-May 5, so it is a shorter period. I just wanted to make sure you and the public are not looking for clinics earlier than that. Thank you very much.

Council Chair Kaneshiro: Thank you. Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, I call this meeting back to order. Is there any final discussion from the members? I guess on behalf of the whole Council, I want to say thank you. I hope you folks will come down—that the trip is not affected by the coronavirus. It is a great thing for our community and we are very grateful any time you folks come down and help our residents. Thank you.

Mr. Sherman: Thank you.

The motion to receive C 2020-68 for the record was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: Next item, let us go to page 4, C 2020-72, the Communication for the Emergency Bill.

There being no objections C 2020-72 was taken out of order, and proceeded as follows.

C 2020-72 Communication (03/05/2020) from the Mayor, transmitting for Council consideration, a proposed Emergency Ordinance pursuant to Charter Sections 4.02K and 18.02, in the amount of \$2,000,000.00 from the Reserve Fund (Disaster Response), which will be used to fund emergency expenditures related to the Novel Coronavirus COVID-19. (*Emergency Proclamations issued by Governor David Y. Ige (dated March 4, 2020) and Mayor Derek S.K. Kawakami (dated March 4, 2020) on file in the Office of the County Clerk.*) Councilmember Chock moved to receive C 2020-72 for the record, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Is there anyone wishing to testify on the Communication?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? We will have the Bill, right after.

The motion to receive C 2020-72 for the record was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: Next item, on page 7, Emergency Bill.

There being no objections Proposed Draft Bill (No. 2776) was taken out of order, and proceeded as follows:

EMERGENCY BILL:

Proposed Draft Bill (No. 2776) – AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, FOR THE PURPOSE OF FUNDING EMERGENCY EXPENDITURES TO MEET THE PUBLIC EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS “COVID-19,” BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Novel Coronavirus “COVID-19” – \$2,000,000*): Councilmember Chock moved to approve Proposed Draft Bill (No. 2776) pursuant to Kaua‘i County Charter Section 4.02K, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Evslin.

Council Chair Kaneshiro: I will suspend the rules. Mayor Kawakami.

There being no objection, the rules were suspended.

DEREK S.K. KAWAKAMI, Mayor: Chair, Vice Chair, members of the Council, Council Services, we brought the team this morning, to humbly come before this Council and the hardworking taxpayers of Kaua‘i and Ni‘ihau to request and emergency appropriation of two million dollars (\$2,000,000) in response to the recent COVID-19 situation that we are dealing with. We are here to answer any questions that you folks may have.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: When I see Emergency Bill, I know it is an emergency, but it is two million dollars (\$2,000,000) for this County. Especially, in these economic times, huge amounts—I was hoping we could at least attach a rough estimate of the expenditures to the Bill. What are the projected expenditures? What will be allowed to be an expenditure? I do not want to see us paying overtime to whatever...serious... I have seen these types of Emergency Bills turn into play money for Public Works, in the past. I am not blaming this Administration. The Carvalho Administration has not set a good tone in my mind for Emergency Bills and the way we spend. Thanks to them, I have my antennas up and you folks need my vote today and I am prepared to vote “no” if I have to.

Mayor Kawakami: Thank you very much, Vice Chair. I would like to start by saying, this two million dollars (\$2,000,000) is really to set aside, if and when we need to respond. There are a number of issues that we do not necessarily have a “crystal ball” for. Some of them are Human Resources (HR) related, if we have a number of associates that get ill, we may have to spend some of this for overtime to continue services. I will turn it over to Elton and Dr. Berreman, to go over some of the other details, but I can reassure this Council and to the hardworking people of Kaua‘i and Ni‘ihau, that we will keep track of and record every expenditure to the standards that we hold whenever responding to a natural disaster. We will be transparent, hopefully we will not need to spend this money, but you folks are well aware that if and when we

need to make an expenditure it could be cumbersome if we do not have things lined up. Thank you very much, Vice Chair, for your concerns. Dr. Berreman.

Dr. Berreman: Thank you. I was asked to do a very brief overview of COVID-19 and the situation that we are in, largely to provide context for the requests that are coming from the Office of the Mayor. I have a PowerPoint presentation and you all have printed copies of that. I am not too sure...It is warming up, okay, and so am I. Some of you may have seen that the World Health Organization (WHO) did declare the COVID-19 disease a “pandemic” this morning, so that is breaking news just within the last hours we have been expecting that, but what that tells us—the pandemic means that the disease is spreading very widely in the world. It does not say anything about the severity of the disease or the numbers of deaths, so it is a scary term, but it refers to rapid and broad spread, more than anything else. I will try to be quick. What we were calling the Novel Coronavirus is now called COVID-19 and that stands for Coronavirus Disease and 2019, which is when it first showed up. Coronaviruses are a family of viruses that we know a lot about. Everyone in this room has likely had a coronavirus, because it is one of the causes of the common cold, so it is not an alien species or anything like that. There are many coronaviruses in all kinds of animals in the world and sometimes a coronavirus can jump into an animal where it has not been before. That is what it looked like happened this time. This coronavirus was happily living in bats and it accidentally got into human beings, but it decided it liked it there and it also was able to go from person to person. So if it only gets into one (1) person, there is no threat to anyone from a public health perspective, only that person gets sick. But once one of these viruses from an animal can spread from person to person, then it becomes a new disease that we have to learn about and learn how to manage. It is a threat to the entire population, because unlike something like the flu or other diseases that have been around for a long time, no one has had it, so no one is immune to it, so we are all susceptible to getting it. This is not the first time this has happened. The two (2) most recent times that there were coronaviruses that spread in human beings were the diseases that were called Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS). You may remember those. Both of those diseases were contained and did not go on to become pandemics. The reasons that this one is now a pandemic are that it is more easily contagious than those were, so it spreads more easily. It is also not as severe. It is not as likely to kill people, so that sort of “good news/bad news”—we are glad that it is not as severe an illness, but because it spreads much more easily we are now faced with this pandemic situation, where we expect it to go everywhere in the world. This is a map from just yesterday, which is probably changed today, of all of the countries in the world that have reported this disease, so far. You can see that it is on every major continent and in many countries. A little bit closer to home, in the United States, it is a day old, I think it is Monday’s information, you can see that Hawai‘i is shaded pale yellow on there, because we have our first two (2) cases here and it is spreading to more states. Many of those states have what is called “community transmission,” where it is not related to someone having traveled or to someone having been on a cruise ship or gone to Italy. People are just popping up in the population sick and we cannot tell where they got it from. That tells us that it is widely spread in the community, which we expect, but we are seeing that in many states now. I believe those states are California, Washington, New York, and others being added to that list. The disease starts like many viral diseases with a fever and a cough and progresses to having sort of a hard

time breathing. It is very hard for people to tell or a doctor to tell, whether you are sick with this disease or the flu—it is also flu season—or with a cold. You are more likely to have severe disease or be in the hospital the older you are. Unlike the flu, children are very mildly affected. Again, that is good news, we do not need to expect children to be in the hospital or even to die from this disease as they do sometimes from the flu, unless they have underlying illness. But the fact that they will be mildly sick means they are likely to remain energetic playing with their friends, running around, sharing their germs with everyone. It is spread by respiratory droplets. Some people say, “What is a respiratory droplet?” That is why I have that picture up there. That disgusting cloud of the man coughing or sneezing is a respiratory droplet. You can get sick by breathing that in, but also the droplets fall on the table, on my microphone, my cup, the counter here, and other people who touch that, then touch their eyes, nose, or mouth, where mucous membranes are, and can get the virus into their body.

(Councilmember Kagawa was noted as not present.)

Dr. Berreman: The virus can live on hard surfaces for, it looks like probably a week or so. There is no specific medicine for it and no vaccine yet, although there is a lot of work being done to get both of those things. Public health takes two (2) approaches to disease outbreaks or pandemics like this, early on we are trying to contain the disease, to build a wall around it and keep it out from where we are. Then as it spreads we shift our focus to mitigation, to slowing down the spread of the disease. Right now, we are sort of in-between those two phases, but transitioning toward working on the mitigation. There are many resources, which you have in your handouts and I will not belabor those and this is also how the general public can get information from 2-1-1, in addition to calling there are text, E-mail, and chat options. The information about the time of 2-1-1 availability has not been corrected on there, it is now 7:00 a.m. to 10:00 p.m., seven (7) days a week. That was just increased earlier this week. That is the end of my presentation. Thank you very much.

Council Chair Kaneshiro: I want to get back to what the two million dollars (\$2,000,000) would possibly go to, but let us go over any questions on this presentation first, then we can get back to what the two million dollar (\$2,000,000) money bill might be used for. Is there any questions on this presentation?
Councilmember Cowden.

Councilmember Cowden: I have one. I have been trying really hard to learn as much as I can. Especially in the last few days I have been looking at it much deeper. What I am seeing, what appear to be pretty reputable articles, I try and look carefully at what the source is, is that as they have been testing children in China and Japan, even though they are largely asymptomatic, that they are quite contagious and have it and that is why Japan chose to close the schools, even though those kids are frustrated and bored at home. Is that consistent with what you are learning?

Dr. Berreman: Again, this is a new disease and we are learning about it, but certainly, yes, our understanding is that children can be ill with it, they just do not have as serious illness as older people do. As long as they are ill with it, they are potential sources of transmission and infection to people at home and to others. There is debate in public health circles about the utility of closing schools,

because the main reason to do that is to keep children from spreading illness to each other and bringing it back home. We know that when we close schools, parents do not have childcare for their school-aged children, Monday through Friday, so those children tend to congregate at a relative's house or friend's house, in order for parents and families to continue to work, so it is not clear that closing the schools actually avoids children mixing with each other and it takes them away from their education, their school meals, and the opportunity to educate and encourage them to wash their hands frequently and do the other protective things. I think that large-scale school closures are unlikely in Hawai'i.

Councilmember Cowden: Okay. This does not really speak very much about the hospitals, but I have been in the hospital to visit friends and I even had an accident myself, so I have been in there. It seems that there is a lot of flu, a lot of infection, more intense than what I typically remember in going in there, seeing a lot of very sick people, as opposed to a lot of injured people. Have you, or the Department of Health, been looking at what is going on in our hospitals? I noticed the staff are wearing masks and gloves, more than typical, in just my own experience of being in there. Are we taking characteristic view point on what is going on in the hospitals this year?

Dr. Berreman: Sure, I mean all of our healthcare partners are an integral part of planning for this disease. We are in the middle of flu season and it is a busy flu season and it lasts a little bit later in the year than on the mainland. Our hospitals are at capacity or over capacity in general, especially during Influenza season. One of the reasons that public health focuses on, when we cannot contain a disease, we still really focus on trying to slow its spread, is because that can decrease the burden on the hospitals and the healthcare system. If all of us get sick at once, including some of our healthcare providers, it is really hard to provide good healthcare to everyone. But if we can slow that spread so it is just a few extra patients every day or every week and not very many of our healthcare providers are out, then we can keep the level of service where we would like it to be.

Councilmember Cowden: So when we see that there is no treatment, but people go to the hospitals, does that mean that they are put on intravenous therapy (IV) or maybe on a ventilator or respirator or something? How do we treat people?

Dr. Berreman: That is a good question. Most people who get this disease, it will be like the flu. For most of us, we feel lousy, we can take care of ourselves at home and we will feel better after a while. People who are sick enough to need to be in the hospital...when I say there is no treatment, I mean there is no specific drug, like an anti-viral or an antibiotic that stops the infection, but we can still do all of the things that you named, which are supportive care. So, we can support people's breathing, we can support their oxygen, we can support their hydration and their nutrition, while their body recovers.

Councilmember Cowden: Okay, thank you.

Dr. Berreman: Sure.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Janet for the presentation. I read that there are limited amounts of tests available. For Kaua'i, what do we have available?

Dr. Berreman: Right now, on Kaua'i we are not running the tests here and that is true for many tests, because we are a relatively small island. The hospitals and clinical labs run some things locally, but like many other tests, a sample needs to be collected, the lab needs to be ordered by a doctor, collected in the doctor's office, shipped to O'ahu, and right now, when it is shipped to O'ahu, it is run in the State Department of Health laboratory and that requires approval from the Department of Health. You may have seen that commercial laboratories on the mainland have also started testing and that avenue of testing does not involve the Department of Health in the same way; if your doctor wants to get a cholesterol level on you, he or she does not need to talk to us, they just order that. There are not private laboratories running this test in the State of Hawai'i yet, but that is anticipated to happen soon.

Councilmember Chock: Okay. In your opinion, are we under-capacity in order to test for it or are we on par? Can we expect more support?

Dr. Berreman: The Governmental Public Health Laboratories, as you have read in the news, have been behind the game in terms of having both a test that was reliable and having enough of it—that has changed in the last week or so and the Centers for Disease Control and Prevention (CDC) is pushing out many more test kits all over the country. In addition to the entry of the private labs into the arena, I feel confident that we will have enough tests in the very near future; right now we do not have an enormously robust supply, but we have enough to meet the demand of the people who meet the criteria for testing within the Department of Health criteria.

Councilmember Chock: On slide 4, you outlined the countries affected areas, which the numbers are small, but they are widespread, in terms of outreach. I understand, just to confirm, we are not looking at containment, we really are looking at how we slow this down, in order to be able to not affect us in a lot of different ways. One in capacity, but also economically, socially, and so forth.

Dr. Berreman: Right.

Councilmember Chock: Okay.

Dr. Berreman: Here in Hawai'i, we are still in the containment phase, because the only cases we have identified are people where we can say, "You got this from your exposure on the cruise ship" or "You got this from your travel history to Washington State."

(Councilmember Kagawa was noted as present.)

Dr. Berreman: The other thing that was announced yesterday is that the State is going to start doing surveillance testing, where we randomly select swabs that are taken in outpatient settings and test those for the coronavirus. Most of us expect that we will see that there is more disease here than we have known, because

that is what has happened in the other places, too. Right now, we are doing containment with those cases, but we are leaning forward with messaging that has to do with mitigation, which are the ordinary procedures of staying away from people and washing surfaces.

Councilmember Chock: That being said, in terms of approach or strategy, what can we expect moving forward in terms of needs and resources that we need to think about building?

Dr. Berreman: You will notice that it is not just the Department of Health sitting here—it is the Emergency Management Agency and with Chief Kanoho, my unified commander in the Emergency Operation Center. The types of interventions that mitigate and slow the spread of disease do not happen in a doctor's office or just by public health, they happen in our communities with all of us. They involve things like looking closely at large gatherings of people, especially in enclosed spaces and how we may want to consider limiting those or delaying those. It involves things like practices of meeting for work in small places versus doing it virtually from home or elsewhere. It involves practices of cleaning surfaces, especially where we are greeting the public of making facilities available for people to wash their hands regularly or to use hand sanitizer if they cannot wash them with soap and water. It involves all of us being a little bit less up-close and personal when we are greeting each other, which is very hard, but “elbow bumps” and all the other kinds of things you can see on the internet, if you want to look for creative ways to greet each other, and personal things like not touching our eyes, nose, and mouth, which is actually an extremely difficult behavior to change. There are communication efforts and there is also protecting our healthcare providers and first responders. There are supplies that are needed for that. There are some extra hours of work that are needed, as all of us here who have been doing this for the last month can attest, but I think I should let my colleagues talk about the specific needs they are anticipating.

Council Chair Kaneshiro: I have a follow-up. As far as, we are not doing any testing or we do not have any testing on Kaua'i, how do we determine when someone goes to the hospital, if they have the common flu or the coronavirus?

Dr. Berreman: I just want to be really clear, there is not a laboratory on Kaua'i that is putting the swab into a machine and saying, “It is positive.” But we are testing people here. The doctor's office collects the swab, which goes into your nose and the back of your throat, so it is not particularly comfortable, puts it in what is called the transport medium, it is then taken by the laboratory to the lab on O'ahu and tested there and we get the result. So, that turnaround on O'ahu is less than 24 hours and for the neighbor islands we add the time that it takes the sample to get there, so that can be as much as an extra day, but the turnaround time is rapid and we can get people tested from here.

Council Chair Kaneshiro: Is everyone that comes in with the flu getting tested or are the doctors able to determine?

Dr. Berreman: No. There is not a lot of testing going on now, because right now, without commercial lab testing available here it has to go through

the Department of Health. The Department of Health criteria for testing people have been very limited in accordance with Federal guidelines. They have opened it up recently, but people have to be seriously ill, there has to be some reason to suspect that this may be what they have, and one of the things that we usually ask is that they already be tested for flu and that we see it is not the flu, among some other things, because it is flu season... Right now, there is a lot of flu circulating in our community, so that is the most likely thing for someone to have, if they are sick with those symptoms.

Council Chair Kaneshiro: Okay, thanks. I have a bigger general question, I know when we went to Washington D.C., some of our representatives said we are not really going to get a handle on the effects of this coronavirus for another few months, obviously it is going to continue to spread, I think it is going to look like some type of graph or mountain, do you know how far away we are from it actually topping out or where we are on that curve?

Dr. Berreman: I would be such a smart person, if I knew all of that—I wish. But when people in public health and epidemiologists do models of what a pandemic like this can look like, there are a lot of variations in that. One type of variation is, as you said, a very high mountain of disease and then it goes away. I would say that is most likely when we are not successful at containment or even at mitigation. What we saw at Wuhan and Hubei Province in China, was not an early recognition of the disease, because it was brand new and there may have been some politics around that, but by the time things were put in place it was already out of control. Basically, everyone got sick and that caused a lot of disruption and now they are not seeing cases anymore. If we are better at mitigating it, then we are more likely to see lower peaks, but more of them and more like waves of illness in different parts of the country and even in different parts of our State. It may ultimately become something that occurs seasonally, like flu occurs every winter, but we do not know that, because coronaviruses do not typically do that the way influenza does, so we cannot count on that—we cannot count on it going away in the summer.

Council Chair Kaneshiro: Okay, thanks. Councilmember Evslin.

Councilmember Evslin: Thank you, Dr. Berreman, for your presentation. I just got an E-mail from University of Southern California (USC) last night where I am taking classes saying they are canceling all classes effective today and everything is moving online. All sporting events will be held with no audience and I think fifty-five (55) universities around the country have also done that. I recognize and appreciate what you said about not canceling elementary schools; it sounds like a good rationale, but as far as your recommendation right now to community groups who are hosting events or community sporting—I paddle, we have canoe races every weekend here. Is your recommendation to stop having those or when do we stop?

Dr. Berreman: The Department of Health is not yet making a recommendation to stop those things. The reason we are not is that we do not, at this point have any evidence in the State of Hawai'i for community spread. The only two (2) cases we have in the State of Hawai'i are ones that we can trace back to exposures elsewhere, so we have not seen that it is circulating in our community. That said, we

expect to see that soon, because we can see what has happened in other states and in the country and other places in the world. So, the surveillance that is just starting up this week will give us a lot more information in the next week or two (2). We may be wrong, it may be that it is not here yet, that the only places that it is in people that come back from elsewhere, who got exposed elsewhere, in which case we do not need to do that right now, but we need to be ready to do those things and know that those things are possibilities.

Councilmember Evslin: Can you talk a little more about social distancing—or actually, I hear you say “containment,” which is clearly, “If it is not here, keep it out.” Then mitigation—is that saying if there is some community spread, then we start to do those social distancing and limiting? As far as social distancing, right now then are you saying maybe take precaution, but do not go to extreme efforts?

Dr. Berreman: Again, we know that a lot of people travel here, we know that a lot of us travel and we are just starting to do the communitywide surveillance, so I think that there are precautions that we can start taking now that are sensible, that do not have a huge impact, that will prepare us to do better when or if we know that there is community spread here. The things like, not doing a lot of up-close greetings, when you are in meetings with people trying to keep the distance between you, somewhere between three (3) and six (6) feet, rather than right across a narrow table, washing down surfaces frequently, washing your hands frequently. All of those things are worthwhile.

Councilmember Evslin: Thank you.

Dr. Berreman: Just one thing that I have been neglecting to say is that it is especially important that elderly people and people with underlying medical conditions take those precautions. For those people especially, it is not too early to start being ready and all of those precautions keep you from getting the flu, too, and we know there is a lot of flu around. I am a health person. It is always good to stay healthier.

Councilmember Evslin: Actually, one other question. Randomly, this morning someone sent out an E-mail saying make sure to get your flu shot, because it is important not to have these things, one, to reduce the flu epidemic that we are not seeing and also because you do not want to have both of these at the same time, is that something that you would...

Dr. Berreman: Less of a concerns in terms of having both at the same time, but more just a concern of, if you have had your flu shot you are less likely to get sick with the flu, therefore, erroneously be concerned that it might be coronavirus and tax the healthcare system with that, so that is the main reason to keep you healthy, it is not so much about co-infection. We are getting...it is late in the flu season to get a flu vaccine, so we are focusing less on that part of the message now than we were even a month ago, but if anyone has not gotten their flu vaccine, we always recommend it and it certainly can help keep you from getting the flu.

Councilmember Evslin: Great, thank you. What I can take away to the community is wash hands, maybe limit social gathering when possible, do not touch your face, clean surfaces. I saw Elton cleaning the surface when you folks sat down.

Dr. Berreman: Having seen my dear friend and fellow health officer in California on Twitter, who licked her finger when she was making a presentation about this, I am very careful to keep my hands on the table at all times when I speak publicly.

Councilmember Evslin: I have some questions for the Administration, after.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: This kind of transitions into the budget question, the Governor has asked for funding, as well. How is that being expended at your level or the State level, as it relates to what it is we are wanting to spend funds on? Is it also on overtime, manpower? Can you shed some light on that so we have some balance in understanding?

Dr. Berreman: Sure. I am not intimately involved with those decisions, so I can give you a sort of “from where I sit” view about that, but the kinds of uses that have been talked about in the meetings I have been in are using it to procure equipment and/or consultants or contracted staff that we might need in order to do more than we are doing. For example, a media public relations firm to help develop outward-facing materials that we do not have the skills within the Department of Health to do. Then anticipating overtime expenditure for staff, some of which is already being used. In this containment phase, when there is one person who is ill, every person that person has interviewed and every person that person had close contact with in the entire time that they may have been contagious is interviewed and all of those people are then educated and followed up and monitored, so there is a lot of personnel time. Then supplies them thermometers, so that people can monitor themselves at home. Anticipating needs for potentially isolating or quarantining visitors. Although, we expect those numbers to go down unfortunately, because of visitor arrivals going down.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Going back to Councilmember Kagawa’s question on the two million dollars (\$2,000,000), can you give us an idea of what that money will go towards?

ELTON USHIO, Kaua‘i Emergency Management Administrator: Elton Ushio, Kaua‘i Emergency Management Administrator. Let me start by saying that as your Kaua‘i Emergency Management Agency (KEMA), KEMA has to address all hazards. Quite honestly, something like a public health emergency is something we do not deal with very often, especially in this scope. Many of the emergencies or disasters we deal with, there is a single “boom” moment and there is a path to respond and recover, thereafter. In this case, very dynamic situation, lots of unknowns, it is in flux and it can continue for weeks or months on end without much ability for us to predict exactly

when the big events will happen, when the peaks occur, et cetera, so access to the funding provides us with the ability to be more responsive very quickly. Some of the things we thought about, and it is a very rough estimate, yes, there are HR-related things, we will have enhanced presence and enhanced hours in the emergency operations center (EOC), but rest assured we only bring to the table what we need at the moment—it expands and contracts, as needed. Our unified commanders here can tell you that we have people in for briefings during normal work hours, but beyond normal work hours it is a very small presence. We do not fill every seat—not even a dozen people. I think at the most afterhours have been about six (6) to eight (8) people—not too much. HR can also extend into things such as enhanced cleaning protocol for our buses—areas where the public frequents, where there is interaction between employees and the public. There are other things like the supplies that are needing to be purchased to augment enhanced cleaning. For example, if you were to clean once daily versus three (3) times daily—a lot more cleaning supplies. There are other considerations as we look into the operation getting expanded. Should it get into social distancing strategies once community spread is established or if it is, hopefully not, but there are considerations such as telecommuting for employees. There are considerations such as, if we look at what the State is doing, some ways for people to adjust for people, if they return from travel or if they are granted certain types of leave beyond just vacation and sick leave, so Admin leave specifically, is what some jurisdictions are doing. Those things can be very costly, but we want to be as prepared as possible to respond quickly and make those adjustments. The Governor suspended different laws in the Emergency Proclamation, but not the Sunshine Law, so we would have to put in a request for additional funding or funding that exceeded the fifty thousand dollars (\$50,000) that the Mayor has with his Emergency Proclamation. I can tell you that you have known me through my career starting out as a grants manager—managing as a young man—Iniki grant recovery. That has been much of my career before getting into KEMA, but even there Homeland Security, I think and I hope KEMA has history of being very accountable and effectively managing our grant funds. These County funds we are going to treat it with the same diligence, not waste it, because we know we are ultimately accountable to you and the taxpayers.

Council Chair Kaneshiro: Follow-up Councilmember Kagawa, then Councilmember Cowden.

Councilmember Kagawa: Rumors about overtime abuse on the flooding on the north shore, is that true or false?

Mr. Ushio: Rumors of overtime abuse, I cannot...

Councilmember Kagawa: Overtime abuse, yes, I think that was Public Works and perhaps some emergency...

Mr. Ushio: I cannot speak to that definitively, because from our end we have not investigated it, but I know that the Federal Emergency Management Agency (FEMA) claims on those, which are being reimbursed, are all vetted. Managing Director...

Councilmember Kagawa: There are a lot of these rumors that came from personnel who did not get overtime given. Claiming individuals were...by management being allowed to abuse overtime or not. We are saying we are squeaky clean on these emergency funds and I want to say there is two (2) heads to this coin.

MICHAEL A. DAHILIG, Managing Director: I think the concern you raise is something that we need to, in the process, should we need to ramp up a full-scale operation as indicated by the commanders, that we do so in a fair manner and we do so in a manner that is equitable. We know that we are answerable to the Council, even though an audit, we know that right now there is an audit going through concerns the expenditures of the April 2018 floods and we have been cooperative being able to share that information. That in and of itself, we know the level and degree of transparency and the level and degree of scrutiny that every expenditure has to go through.

Councilmember Kagawa: I want to make it clear, it is not the Kawakami Administration—the Carvalho Administration—but these overtime appropriations scare me a little bit, because it tends to allow people to say, “It is related to this. Therefore, I will take that since I do not have enough left in my regular budget.” This is a follow-up to Council Chair Kaneshiro. How much are we getting indirectly or directly from the Federal Government and the State Government? Do we have that? What services do we project that the Federal and State will be doing here? Then what *puka* are we trying to fill with our two million dollar (\$2,000,000) appropriation? Has all of that in totality been thought about, because if I look at it this way, for the normal individual, middle class person, twenty-five percent (25%) of their taxes, because of Federal income tax and social security tax, twenty-five percent (25%) goes to the Federal Government, one fourth (1/4th) of my tax. Fifteen percent (15%) goes to the State, with income tax plus four percent (4%) sales tax, and about three percent (3%) to five percent (5%) goes to the County, with property tax and half percent (1/2%) General Excise Tax (GET). I would think the Federal and the State have a lot more money in emergency times and they have medical personnel working for their governments and they have direct control of departments under them, would it not make more sense that we allow them to spend their money first since they can control it? I want to know what is the Federal role, State role, and our role, before I say “yes” to this. I am not ready.

Mayor Kawakami: Vice Chair...

Councilmember Kagawa: I have to hear all of this. I have to see all of this.

Mayor Kawakami: Yes, that is a great point. I can tell you that at every level of Government—Federal, State, and here at the County—similar appropriations are being requested through different administrations and legislative bodies. The tough scenario and reality that we are in is, because it is a pandemic it could quite well possibly be a nationwide type of emergency and a statewide emergency versus when we have natural disasters, those tend to be isolated in nature, so there is an ability to get Federal and State support really targeted and focused on those areas. In this case, because of the widespread nature of COVID-19 and the unknowns it is a very tough question that you pose. In a sense, that is why very early on we made the request for two million dollars (\$2,000,000), because there is a lot, not only about this

virus that we are learning, but just on how we are going to be able to respond as a nation to this emergency. Elton.

SOLOMON KANOHO, Acting Deputy Fire Chief: Councilmember Kagawa, if I might add, Public Works, and having worked the event before, there are some specialized categories that personnel have to operate. You have to have qualifications for operating heavy equipment. I am not sure about the particulars about what might happen, but it could either be, maybe an unfair distribution of the overtime. I need to look at the hours and see what they had or maybe that person was not qualified to work that particular job function at the time or like I mentioned before, it could go back to the supervisor. Maybe he was not being fair in the distribution of the overtime, but I know that it was required to complete the tasks and the job assignments and the objectives that Public Works had, as far as what they were supposed to do for cleanup at that phase.

Mr. Dahilig: Councilmember, if I could add, we are aware that the Federal Government has already appropriated eight billion dollars (\$8,000,000,000) across the nation to be able to respond to this. How that money is going to be distributed down from the Federal Government still remains to be seen. We know that the Governor right now is going before the legislature for a package in the millions of dollars to also supplement that work. Just like with the flood disaster, the Council initially gave forward a five million dollar (\$5,000,000) emergency appropriation, but over time that issue was sorted out either through State funds and through Federal funds via FEMA reimbursement or through the direct appropriation by the State for the hundred million dollars (\$100,000,000). In actuality the amount of out-of-pocket costs during the flood were well less than the five million dollars (\$5,000,000) that was done. As much as we would like to have things laid out in a linear fashion, this particular event as Elton is describing is so dynamic that we do not have the ability to predict one track. There are many tracks that if one trigger is pressed we have to go down a certain road and that is why the dynamic nature of the particular event requires us to be able to be nimble and flexible to respond, if let us say, a mass crowd versus one crowd. That is where we see the moneys, essentially may need to be triggering media. It is something that, I agree, there are shared responsibilities with the Federal Government and the State Government with the moneys and costs that needs to be associated with it. I am sure that I can say with a certainty that the salaries and cost of the State workers that are being folded into the incident command with us are not being covered by us. This would cover County employees, County facilities, County supplies, but the nature of incident responses is that we have to merge the operations with Dr. Berreman's shop, but their costs will be covered by the State.

Councilmember Kagawa: If this appropriation—I am going to point to the one about cleaning the buses three (3) times more, so if this appropriation does not go through, we do have the ability to say, "We are going to cut down service, because we are going to take more time cleaning the bus." There are management things that can be done that allow us to deal with COVID-19 and provide public service. Maybe less people will be riding anyway, right? There is no toilet paper already to buy. I am just troubled about us, we are already broke. I do not know how you folks are doing the budget next year, what taxes are you going to increase with

all our retirees spiking? Two million dollars (\$2,000,000) is a lot for us. To the Federal Government, no amount matters, because they can run it on deficit—they just print money. Talking about them is a joke. They cheat all the time, right, running on deficit? We run a balanced budget, we pay our bills on time—not like the State—they are thirteen billion dollars (\$13,000,000,000) in the hole, when it comes to employee retirement payments. They are mortgaging them for twenty (20) years to our kids to catch up. Us, we balance, so two million dollars (\$2,000,000), right now, for me, not knowing how the budget looks for next year and not knowing what the Federal and State is putting to COVID-19 now. I do not know any of those answers, so maybe you folks need to wait for Councilmember Kualii, because I am not ready. Thank you.

Council Chair Kaneshiro: Let me just make this clear. Pursuant to Charter Section 4.02, Emergency Bill would require six (6) votes or affirmative of all members present. Everyone here would need to vote on it. All present or six (6) votes. Is there a majority vote on it? Just everyone present. Supermajority. Okay, so it is five (5) votes. Councilmember Cowden.

(Council Chair Kaneshiro was noted as not present.)

Councilmember Cowden: Thank you, I have some follow-ups. Am I hearing that the two million dollars (\$2,000,000) will be focused on direct Government costs? It would be hiring more people...my business background makes me think about a little bit larger on that, so none of this money would be spent in any sort of way helping businesses with their moneys, is that correct? There is nothing that would be helping in that direction.

Mayor Kawakami: Our primary concern at this time is to protect the health and wellbeing of our people. This appropriation is not intended to assist businesses, at this point in time, it is to provide much needed resources, if and when. Remember we are just beginning to do robust testing, if you can even call it that, so we are not sure how widespread this COVID-19 is. We have two (2) confirmed cases, but I think as Dr. Berreman has mentioned, you can be asymptomatic and still spread this virus. This is going towards unanticipated costs, say for example, if we have to provide specialized Personal Protective Equipment (PPE) to our firefighters and police...

Councilmember Cowden: PPE is “Personal Protective Equipment.”

Mayor Kawakami: ...Protective Equipment.

Mr. Kanoho: Personal Protective Equipment.

Councilmember Cowden: Okay.

Mayor Kawakami: ...to our firefighters, first responders, even folks that are working in essential services at our countertops. We have already begun to have the Department of Parks & Recreation look at creating temporary “sneeze shields” to create that social distancing. I understand the concern, but I

cannot, as Mayor, reemphasize the importance of this emergency appropriation request to be able to contain and mitigate this new virus, which they are still trying to create a vaccine for.

Councilmember Cowden: In my questions, a number of these are things that have come to me from constituents, this recent cruise ship that has been here, that has indicated to have had some infection—you all are familiar with that, right?

(Council Chair Kaneshiro was noted as present.)

Councilmember Cowden: Made it around all the islands. Have you heard about that?

Mayor Kawakami: Yes.

Councilmember Cowden: My understanding is that would not be surfacing in the community for about five (5) to ten (10) or maybe fourteen (14) days, do I have that correct? If there was that on the ship and people are coming off the ship, what is that incubation period before we would be seeing it?

Mayor Kawakami: Fourteen (14) days. Some of this appropriation quite well could be used for isolation and quarantine. I raised a question this morning, if we have visitors getting off a cruise ship or an airplane and they need to be isolated and quarantined, do we get to send them a bill and I have yet to receive that answer. Quite frankly, because one of the key mitigation efforts is to make sure people that have symptoms are removed and isolated, that quite well could be an expenditure that we would need this appropriation for, as well.

Councilmember Cowden: Okay. What goes through my mind as I look at all of this is, what a big factor our visitor industry is and when I think about retail locations and small businesses, where people are coming in, that is probably a contagious area, so I am just wondering are we putting out the word on how we should be managing this relative to the fact that this is our number one industry is our visitors. How do we handle it with our employees and our people out there just wanting them to be able to know what they can do, do they close? What do they do, wipe everything down with Clorox, all day long?

Mayor Kawakami: I think the CDC, the World Health Organization (WHO), and the State of Hawai'i, Department of Health have done a great job, as far as communicating efforts that people should be taking to prevent the spread of this virus and just overall good hygiene. I think when you ask that question, if I am understanding correctly, anyone who has been following this issue, I cannot say how many times it has been stressed to make sure you wash your hands for twenty (20) seconds. You know what you do not hear of too much, is help keep your immune system good.

Councilmember Cowden: Right.

Mayor Kawakami: Good.

Councilmember Cowden: Strong, keep your immune system strong. I guess because I have been looking at what is going on in these other countries and what they are doing that they feel might be effective...even I have an event this weekend that I am thinking of canceling. After today we are going to meet to decide if we cancel. When I think about workers maybe needing to stay home, we have to be getting prepared for that.

Mayor Kawakami: We are getting prepared for that, as well. As far as public events, we are leading by example. You folks have already heard, our State of the County, we are going to do it virtual. We have requested a list from the Department of Parks & Recreation on any large gathering that is on the near horizon and future horizon. If we need to start mandating the cancelation of large events, so we are doing this to be proactive. We hope to not get to that level, but we do want to have things lined up, if we need to, so we are taking those precautions, as well. Like you know about this virus, if someone shows symptoms, immediately we are telling them to self-contain for fourteen (14) days, so yes, it does have a profound potential impact on our labor force, as well, not only in the County, but in the private sector, as well.

Council Chair Kaneshiro: I have Councilmember Chock next, but let me just clarify. Again, for this emergency ordinance, the affirmative vote of all councilmembers present or the affirmative vote of three fourths (3/4th) of those elected. So, three fourths (3/4th) of seven (7) is five and a quarter (5.25), so it is six (6) members shall be required for adoption for such an ordinance. So, it is actually six (6) votes or affirmative by all councilmembers present. Councilmember Chock, then Councilmember Evslin, and Councilmember Kagawa. Councilmember Chock.

Councilmember Chock: Two (2) questions. The first is financial, given the two million dollars (\$2,000,000), the flood, in our reserves, what is the effect on it, in terms of the health and the threshold that we want to keep based on our Resolution, what can we expect? Then I have a mitigation question.

Mr. Dahilig: Could you rephrase that?

Councilmember Chock: I just want to know, where are we on our reserve? What the impact will be given the upcoming budget deficits and what we expect to bring in. There is a percentage that we want to ensure to keep, so it does not affect us. Are we clear? Two million dollars (\$2,000,000) does not seem like we would go below that threshold, but I am just curious, if you have that information.

Mr. Dahilig: I will need to relook at the specific number again, but this is...we have not tapped the reserves so far this year. I want to make that clear for the Council that we have not asked for a tap yet. I believe that the request that we are making is approximately, roughly around a single-digits request in comparison to the overall reserve amount—percentage-wise. We are not asking for a wipeout of the reserve here, this is a single-digit percentage of the reserve that we are asking for with this request, at this point.

Councilmember Chock: Thank you. The mitigation question is... mister Mayor, you mentioned about mitigating at the airports—if we are talking about trying to contain...this might be a Janet question, by land or air, that is where this is going to come through, what are those mitigation factors that are happening at these ports of contact? Have we increased...everyone go wash their hands, taking temperatures? What is going on there? Because to me, that will be the area that we want to expend some energy on in order to slow down the spread.

Dr. Berreman: Right, so those are not primarily under the jurisdiction of the Department of Health or the State, as you know many of the arrival is from Federal and even on the health side, it is the CDC, but the Department of Health has been providing educational signage to all the airports in the State. I was just looking at some Public Service Announcement (PSA) radio and television announcements that are being made to those that can play in the baggage claim area, so that is in process and being done by the Department of Health.

Council Chair Kaneshiro: Janet. Go ahead.

Councilmember Chock: I just wanted to follow-up, because I thought we talked about that, mister Mayor, that would be Federally funded and not part of this two million dollars (\$2,000,000) or are we anticipating some action from a local level to try and get involved in that mitigation?

Mayor Kawakami: I can be very clear, as well, when this initially started to spread and we issued our emergency proclamation, I inquired about my powers as Mayor and authority to prohibit cruise ship passengers from disembarking, as a first point of prevention. It is not in our authority as mayors to make that call, but I would like to make it clear, that I was very succinct and clear about my wishes to prevent some of these cruise ship passengers from disembarking, because it already happens if the ocean is rough, you will see them doing laps around our island, they may have to reroute, but apparently we are not there yet.

Councilmember Chock: Thank you.

Dr. Berreman: If I could comment on that, again, I am on the State side, but it is really clear that the strength of doing any of this response, like with the flood response, is in our local community here on Kaua'i and our ability to work together in our partnership. So, we had the Lieutenant Governor in the emergency operations center—was that just this week?—it was two (2) days ago. He really shared with us that he saw a higher level of functioning, coordination, partnership, collaboration, and preparedness for this event within KEMA, than he had seen anywhere else in the State. I think that does not happen solely with Federal or State resources, it happens with that robust partnership of County resources at the areas that are under County jurisdiction and authority with the technical expertise that comes from the Department of Health and our resources to do the health side of things, so I cannot do my job effectively, even with those pass-through Federal and State funding, if the KEMA and County partners are not also able to be robust partners at the table.

Councilmember Chock: Thank you.

Mr. Ushio: If I could, I would like to add, addressing some prior discussions, as well. As Dr. Berreman said, KEMA really does start at the County level, so regardless of Federal and State appropriations, KEMA, the County of Kaua'i, and our on-island partners need to be ready to do what we need to do to protect the health, safety, and wellbeing of all of our residents and visitors and everyone on Kaua'i. We are also working hard to ensure continuity of Governmental operations, essential services, and that will extend into what we call critical infrastructure and key resources from our ports, our banking systems, internet, telecommunications, and everything. All of those things could be threatened in a natural disaster or in a public health emergency, when the stay-at-home rate reaches a critical threshold. People are not there to fix things or to clean things, take care of our trash, keep the water flowing, et cetera. Maximum flexibility and ability to operate in this dynamic situation is most appreciated. Now, with that, I understand, acknowledge, and I appreciate very much the concerns expressed by Councilmember Kagawa—we need to be accountable, we need to stay within our means, keep the response commensurate to the level we are at and what is going on. That is what we have been trying to do, continually. From the KEMA standpoint, I will let you folks know that we have been actively working this incident, I believe since late January. Daily briefs with all levels of Government and the State. We have had weekend coordination meetings, the video teleconferences, with the Governor, mayors, emergency management, health, of course, and appropriate partners. We activated our all-hazards incident management team, and we have a really good command in general staff group working the incident. An incident action plan has been developed addressing normal operations, continuity of operations, and contingencies. With that, again, I want to also address Councilmember Cowden's questions or concerns about the private sector. While this request does not directly address private sector or business support, economic recovery, sustainment, et cetera, in our prioritization of what we call Critical Infrastructure Key Resources (CIKR), those sectors include many private sector businesses. Say our private sector healthcare partners, private sector telecommunications partners, those who provide the fuels to us, we will be doing our best to ensure their continuity, because we cannot do what we do without them being viable as well—there is that indirect support, if not financial support. Thank you.

Councilmember Cowden: I would like to follow-up on that. Thank you. We are all a collective unit that deals with a holistic problem like this. Just so I have an understanding, I will start by saying I am supportive of this money, I am supportive of having it be flexible, I appreciate the concern of not having misuse, but is it the State that has this overarch possibilities to do things like cancel cruise ships? Are there Resolutions that the County can do or is that Federal Department of Transportation?

Mr. Dahilig: That is where the interplay with it—the Federalism of interstate commerce comes into play. The ability to close ports and those types of things falls under the province of the State Government and those facilities are State facilities, so as the Mayor has mentioned those are the items that fall within his ability, under the emergency powers granted by the legislature to do

so. If you look at Hawai'i Revised Statutes Section 127(a), it is split up into two (2) parts, a part specifically for the Governor and a part specifically for the mayors. The mayors' authorities are not as robust as the Governor's authorities, so that type of activity is, from what we understand with our consultation with our attorneys, under the province of the Governor's Office in consultation with the Federal aviation or the Federal Transportation Department.

Councilmember Cowden: When I look at a country like Korea, they have taken it really high-level of taking people's temperatures—elements like that. If this escalates are there thresholds at which we would anticipate, temperatures off planes or again, thinking about our broad population that do not work for the government, how do we keep those people safe?

Mr. Kanoho: To address your question and partially also, Councilmember Chock's question, that actually falls under the jurisdiction of the Department of Transportation with the State. If I am not mistaken, and Dr. Berreman can also add to the conversation, I know that they were looking into a process and a plan to address incoming—no necessarily every aircraft, because that would be unrealistic approach and a waste of resources to do that, but if there are aircraft coming in from a community spread or from a location they would task personnel to screen everyone that would come off the plane. Once again, that is the Department of Transportation.

Dr. Berreman: If I may just comment for a minute on the effectiveness of that, because as we said we know there is a spectrum of this disease, many people who are going to have it are going to be mildly ill, we do not yet know what that looks like, so checking people's temperatures is a very labor-intensive and equipment-intensive approach, which probably does not have a lot of public health impact or effectiveness, especially as we get into a situation of community spread. Similarly, testing everyone who wants to be tested, sort of just in case, also does not help, because the fact that you have a negative test today, does not mean you are not going to be sick tomorrow or the day after tomorrow. Some of those resources that people would like to see done are not probably effective.

Councilmember Cowden: Thank you for that. I am just seeing how broad the conversation is and it ranges from: perhaps not personally nervous enough, I am almost that person, to people who are really living in a lot of fear and concern, many of whom are the immune-compromised or have people that they care very much about, who are immune-compromised.

Mr. Kanoho: That is why we want that community outreach and part of that is starting with you, taking care of yourself. Do not come to work when you are sick. Frequently wash your hands for twenty (20) seconds, so sing the "Happy Birthday" song, twice. Avoid touching your face, your eyes, nose, and mouth. If you are sick—especially with the target group, which is the elderly and those with underlying health conditions—stay home, do not come in contact with them.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Thank you. Sorry, Janet, I have a follow-up and this might be a question you may not be able to answer, but as far as countries like Italy completely shutting down the entire country, do you see, if it spreads a lot, that we have a country-, state-, or county-wide shutdown? I guess we do not know if it is effective or not, because it is currently in shutdown, but what you do see as far as that as a mode of trying to stop it?

Dr. Berreman: I think that is why we are all at the table now and why we have all been working together in the emergency management office for the last month to month-and-a-half in unified command and working together to plan for putting in place these mitigation measures that can slow the spread here, so that we do not have to be taken by surprise by a sudden influx and be ill-prepared for what we want to do. I cannot tell what the outcome and success is going to be in Italy, but I think it is very unlikely that we would reach that point here, in large part because of the planning and collaborative relationships that we have and the work we have been doing.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Elton, I trust your management, I always have—it is not about you. It is just about having the details so I feel comfortable that we have an idea. And it seems like we have no idea how and what we are going to spend the two million dollars (\$2,000,000) on. In a month-and-a-half, have we made calls to Senate Mazie K. Hirono's Office or whoever to find out what is coming down from the Feds, have we had those discussions with Senate Ron Kouchi, as far as what is coming down to Kaua'i? Senate President Ron Kouchi is saying from his side, "I think you should put up two million dollars (\$2,000,000), because we are not going to cover this." I feel like we are acting like...yes, it is an emergency, but we are acting like a nuclear bomb will fall on us any day now—it is not the same thing. We have a week. Every week we can make a two million dollar (\$2,000,000) emergency appropriation at this Council. We can make an emergency meeting that takes care of anything in a week. I do not think we are going to have the whole island die in a week. We have the Federal Government and we have the State Government with professionals that have appropriate license, degrees, experience, that we do not have at the County level. Now, we have the emergency personnel—great, but I need to know, what is the County money going to be used for? Why do we need it today? Is the nuclear bomb coming tomorrow?

Mayor Kawakami: Vice Chair, I do not think anyone is alluding that this is going to be a new bomb coming and if this body is asking for itemized lists of what this appropriation is going to be used for, I am sorry to disappoint you, you are not going to get an itemized list, but what we said, and we want to make it clear, is that in any emergency, the counties are the first responders. I understand your point about seeing what type of Federal support or State support we are going to get, we are in communication with those levels of Government as well, but we are at ground zero when it comes to responding to emergencies, so we are typically faster. Some of those expenditures that we mentioned—I just want to say, once again, are to primarily take a look at the containment and mitigation efforts. So, PPE for first responders could be an expenditure. Any type of added protection for our clerks that

are working behind counters to prevent them from being sneezed on, is another potential expenditure. If we, and Elton probably has more that he can speak upon, if we have a group of associates that are coming down with symptoms and they need to stay at home, there may be some overtime that is going to be required to be able to continue services, such as trash pickup. As far as Transfer Station operations, bus transportation—I am pretty sure that no one wants to be in a situation where we have a virus then trash sitting out in the streets, because we cannot really anticipate the impact. I am very sorry I do not have a “crystal ball.” What we are doing is we are dealing with a new virus. The health experts, which I am not, are still learning about this virus. There is yet to be a vaccine developed. This is in no means to cause any panic, because there is nothing to panic about, but we need to be able to be proactive, so I cannot stress to you enough about the necessity for this appropriation. I can personally assure this Council that just as we have tracked expenditures during any natural disaster, we will be completely transparent, it will be well documented and we can personally assure you of that, as well. Elton, Mike, or Sol.

Mr. Dahilig: Councilmember Kagawa, I just want to add one other thing, functionally, in terms of what is the Council’s power in this particular situation. This appropriation is only going to be good for sixty (60) days, so if you are concerned about the accountability of this and as Dr. Berreman has characterized, this particular event is not one (1) time, like a bomb, hurricane, or flood. It is going to roll and is going to come in waves, so every sixty (60) days if we continue the need to have access to this funding, when we are spending money out of it, we are going to have to sit before you every sixty (60) days to go over that in that fashion. We understand very clearly that anything we pull out of this is going to be brought up before this floor, if the event continues to roll past the sixty (60) day window, which we hope not, but that the particular authorization right now is only for a limited time, it is not in perpetuity. If we need to extend it we are going to have to come back to you and I am sure the questions that you have are going to be along the lines of, “What have you spent the money on?” and those types of things, so we are prepared and understand that will be part of the regimen here, if this pandemic continues.

Councilmember Kagawa: What I want to know—I do not expect anyone to have a “crystal ball,” is what is the Federal Government...this will be your folks’ homework, because you are not going to get my vote today, what are the projected things that the Federal Government is covering? What are the projected things the State is covering? I think that is a simple question. I am not saying “crystal ball.” I have to know what they are going to cover. What are they planning to cover, with how much money, indirectly or directly to the State of Hawai‘i and Kaua‘i and what is our two million dollars (\$2,000,000) projected to cover? If you folks can get that to me by next week, I will vote “yes.”

Mr. Dahilig: If I could ask Councilmember Kagawa if, in lieu of that, and maybe this is a proffer for the Chair...

Councilmember Kagawa: I am not going to give two million dollars (\$2,000,000) for nothing. You need to have some work put in.

Mr. Dahilig: If we were to ask for maybe a deferral of the item to the end of the agenda today. Those are attainable answers that we can try to pull up for you. If that would be the ability to ask this item to be deferred to the end of the agenda, then we can come back and answer those questions.

Council Chair Kaneshiro: I have a question from Councilmember Evslin. Actually, I have a follow-up to Councilmember Kagawa's question, I know he is asking about the Federal and State money. I believe with the storm, we spent money on items that the State and Federal ended up reimbursing us, but we were able to do that because we allocated the funds early, we were able to spend the money when it was needed and eventually, as the State and Federal money came in, they ended up reimbursing us, so it reduced the amount of money that we actually spent out of our emergency reserve. Can you maybe say some comments on that?

Mr. Dahilig: As mentioned previously, with the progression of the flood in 2018, the Council came out in front first with five million dollars (\$5,000,000) of emergency appropriations for that. That was meant as a backstop to then let the State catch up with the hundred million dollar (\$100,000,000) appropriation, which happened about a week later. Then, once the Federal disaster was declared by President Trump, two (2) weeks later that freed up the broad range of assistance programs under FEMA. Those funding opportunities have a cascading effect where then the initial fronting of the money does not necessarily have to be expended and that the cost were then shifted to the State and to the Federal authorities.

(Councilmember Kagawa was noted as not present.)

Mr. Dahilig: But we cannot work the system the other way, where we ask for commitments first, then come back. As the Mayor has mentioned, we are the primary, "boots on the ground" responding authority that is responsible for public safety and those types of things, so that is where we stand at this point.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Sorry, I will save it for discussion.

Council Chair Kaneshiro: Let us take a ten (10) minute caption break now, then we will come back. If there are any final questions from the members, we will ask it, then we will take public testimony and vote on this. Ten (10) minute caption break.

There being no objections, the meeting recessed at 10:26 a.m. for a caption break.

The meeting reconvened at 10:41 a.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. Do we have any further questions from the members on this? If not, while the rules are still suspended, does anyone in the audience want to testify? Okay, we have two (2). Mayor Kawakami,

you will have to move for a little bit. Rupert, state your name for the record. This is on the two million dollar (\$2,000,000) Emergency Fund for Coronavirus.

RUPERT ROWE: I only going talk from the *kanaka* side. My name is Rupert Rowe. I am here concerned. When we look back in our past, the reason why we never had any disease internationally hit us in 1918, because the borders of Hawai'i was close to the world. Now, we are facing this crisis. The culture depends on its *kūpuna* to set the foundation for their future of the people of Hawai'i. We should not be playing politics asking money and denying money or "grandstanding" and everything. That is nonsense. The crisis is real. We have planes coming in from Washington. What are we doing about controlling the input of foreigners in this crisis that we face right now? We do not even know if it is here on Kaua'i, but we have one small little argument on how we are going to take care. Let us do it. Let us just not say, "This person, that person, this politician, that politician, the federal, the state, the county." That is all nonsense. Get real. The crisis is here. Do not let our *kūpuna* fall to the wayside on the politics. That affects all of us. That is all I have to say from a *kanaka* point of view. *Aloha*.

Council Chair Kaneshiro: Next up.

PATRICK SOLOMON KAMEALOHA HANO HANO PA-SMITH: *Aloha*. My name is Patrick Solomon Kamealoha Hanohano Pa-Smith. I am originally from Anahola. I work for a nonprofit called The Hanalei River Heritage Foundation and I also do quite a bit of community work in my capacity as a board member of the Mahamoku 'Ohana Council. Today, I would like to provide some testimony with regards to this health Emergency Bill. I do not know what the bill number is. First of all, I think it is a real good thing that we are having an opportunity to provide public input before implementing public funds. It is kind of bittersweet, because we are coming here together to talk about an emergency that is already happening, but there is obviously some due diligence with regards to budgeting that needs to be done. There needs to be some issue of how to address issues of transparency, trust, and also how to be inclusive in this process. There have been to-date since the 2018 floods, thirteen (13) or so other emergency proclamations. I know there is a homelessness proclamation, but I do not know if it was actually implemented at this level here, but there was that emergency proclamation. There was also the supplemental emergency, right, that we also declared as well, which leads me to my next point. When I looked at all of those different emergency proclamations, to me what I think was missing was that there was no mention of any issue relating to public safety or public health. What would have been nice...when you think about emergencies, I think the issue of public health should have been addressed in those proclamations as well, but here we sit all this time later and only now we are talking about public health. One of the things that stands out in my mind is the issue of homelessness here on this island and the public health issues that are associated with that. It would have been nice to talk about homeless and transitional housing like they are

doing on O'ahu, to assist with not just people who are homeless, but you have low-income families who cannot afford rent and others who struggle; many people who struggle. Another debate that is going on, of course here and at the State, about the issue of the minimum wage of fifteen dollars (\$15). Ridiculous. That should have been passed. They should be getting twenty dollars (\$20). We need thirty dollars (\$30).

Council Chair Kaneshiro: Kamealoha.

Mr. Pa-Smith: Yes.

Council Chair Kaneshiro: I hate to stop you now, but that is your first three (3) minutes. We are going to take testimony from anyone else that wants to speak for their first time and then when that is done, you will have another three (3) minutes to talk on the specific bill.

Mr. Pa-Smith: Okay.

Council Chair Kaneshiro: Is there anyone else wishing to testify for the first time? Okay, seeing none.

Mr. Pa-Smith: I am going to try my very best to speed this up.

Council Chair Kaneshiro: You just have to keep the testimony to the Coronavirus money emergency fund.

Mr. Pa-Smith: I think all of it is related. I think the background information is important for everyone to know, so they can understand the importance of being transparent, the importance of making sure that public input and testimony is a very important part of this process. If there is some mention of this homeless shelter or transitional housing, I think that also addresses this issue. I do not know if it is addressed in this particular emergency proclamation, because I did not have a chance to review it, but I know those are ongoing issues and it would have just been nice if those issues were addressed in earlier proclamations. According to The Atlantic newspaper, they said here in Hawai'i we are at least a few years behind with regards to planning appropriately and how to address this issue about the virus and other public health issues. There are many people without health insurance, people who do not have sick leave, and people who have absolutely no access to affordable healthcare. I guarantee no one will go to the emergency rooms if they are going to be billed thousands of dollars for the emergency visit. So this issue is...I get it, about the two million dollars (\$2,000,000) and why that is important, but we are ignoring the larger systemic issues that have brought us to the point where everything is an emergency. Unless we have the courage to speak about these issues

even as uncomfortable as they are and even as heated as these discussions happen, but it can only happen if you want them to happen. You folks are a very important part of this process as the duly-elected councilmembers—you are elected, we did not roll the dice and put you folks on this board. We did not play games. We went out to the polls and we elected you, so we need this Council to be actively involved in every decision that has to do with emergency proclamations. To me I think it is that important. I might go beyond what you are asking me to speak about, but I think that the systemic issues are very important to address and I think this is the right place for those discussions to happen as uncomfortable and as heated as they become, I think that the public deserves that level of transparency. I have a lot of things to say, but I will limit it to just that. Maybe later if I get the inspiration, I will come up here and start speaking again. *Mahalo* for giving me the opportunity to speak. I really appreciate it.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Bruce.

BRUCE HART: For the record, Bruce Hart. The first thing I will say is that I strongly object to a deferral to the end of the agenda. I contribute a whole lot of my time to this Council and I cannot be here at the end. I think this ought to be decided today. I have a lot of questions about whether two million dollars (\$2,000,000) is necessary at this time. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify? Seeing none.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Let me just say that I do plan to defer this item to the end of the agenda. We will take a vote at the end of the day. Councilmember Kagawa said his opposition to it, the Administration did say if they had to the end of the day or to the end of our agenda, they will try to get all the answers he needs to answer it. If he is there at the end of the day or not, I say we are going to have to take a vote, if he is not here to take the vote, then it is an affirmative vote. No matter what we will be voting on it today. That is the plan.

There being no objections, the rules were suspended.

Mayor Kawakami: Chair, just so we are clear on what answers we are trying to get answered. What are the specific questions? What I got from it is: what are we expecting to see from the federal government and what are we expected to see from the state government as well?

Council Chair Kaneshiro: That is what I heard were the questions.
Councilmember Cowden.

Councilmember Cowden: I heard him say that and that I felt I understood him to be saying, "What directions, what *pukas* are they going to fill?" Maybe that might be buying these tests...I do not know, I did not ask the question.

Mayor Kawakami: Sure.

Councilmember Cowden: But a loose thought of how much and for what is what I felt that I heard him say.

Mayor Kawakami: Okay.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: If the Administration thinks they can get answers, great, but I do not think we have any idea what Congress is going to be appropriating money to and I think the state has a number of bills, as I understand. For me personally, I am happy taking the vote rather than waiting for some sort of vague guesses at where we are going to be.

Mayor Kawakami: Thank you very much for having us this morning to brief the Council and the people. We will go back and we will try our best to get those answers, okay, but thank you for your time.

The meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Thank you. My suggestion is we can say what we want now. I believe hearing from everyone, we are all in favor of the Bill passing. We will be voting for it at the end of the day. For me, I agree, we need to appropriate the money now. Tomorrow we could have a huge outbreak, we are going to have to wait until Wednesday to get the money. As far as what are the State and Federal governments going to do, I personally am not willing to wait to get Federal or State money before we are able to react. I would rather have County money ready and available, be ready to spend that money, and as we go back, we get reimbursed by the State and Federal governments for items that they are willing to reimburse us for. That is what we have done in the past with emergency fund money. Again, this goes to show the importance of us being financially capable and being consistent with keeping money in the Reserve, because this is the second year in a row that we had to possibly use money from the Reserve, so I cannot stress the importance, as budget is coming up, how important it is to respect the Reserve and keep money in there. If not, I think the worst position is not to have a Reserve and we would not be able to have money available like this. To another point, by appropriating this money, it is

going to go into a special disaster fund, so any money that gets expended through it will be going through that fund. We will be able to track what expenses goes through it. I am totally comfortable voting for this today and that is my position on it. I would say, if anyone wants to say their piece now, we will say it now, we can defer, and then we will have another opportunity to talk about it at the end of the agenda. Councilmember Evslin and then Councilmember Chock.

Councilmember Evslin: Thank you to Dr. Berreman, Elton, Chief Kanofo, Mayor, and Mr. Dahilig for coming in and talking to us today. I know that you folks are working around the clock on trying to prepare us here. I have not been around on Council for other natural disasters and I understand that this is probably really different. In a normal natural disaster, you can look out the window and tell exactly what happened and we are responding to that, there is a clear need for money; whereas today, we look out and no one on Kaua'i has tested positive, that we know of, for coronavirus. I feel like it can feel like there is, "What are we going to spend money on now and why do we not wait?" but I think in this case if we look elsewhere at what is happening in Italy with a totally overburdened healthcare system, their Intensive Care Unit (ICU) is full, they are taking doctors from every profession and putting them just on respiratory. If you look at Seattle, fifteen (15) people died in one (1) elderly home. That is what happens when we are caught sort of "flatfooted." For us, it is so important to be prepared because we have seen what happens with just one (1) month of not being prepared can do and in China and all these others cities that have taken steps and they have been able to slow the rate of progression, right, what preparation can do to try and mitigate the potential of disaster. This case is complicated or interesting because if we do, hopefully, spend money and we are prepared and develop sick leave policies that allow people to stay home and people are doing overtime and we do our jobs really well, then the outcome is that there is no disaster here, and then six (6) months from now we are going to say, "We wasted all the money, there was no disaster," but that is the outcome that we are hoping for here—for nothing to happen. We can clearly see what could happen if we do not spend the money. I recognize that public health is a State function and there is going to be Federal money coming here, KEMA has a specific role in what they do, but for another perspective we are one of the largest employers on the island with a large customer-facing function. The CDC has pretty clear recommendations for businesses with customer-facing functions on steps that they need to be taking, which is developing proactive leave policies so that people can feel free to stay home and not get others sick, to cross-train employees, to prepare for overtime spending in the event that a large number of your workforce is going to be out, to set up protocols for hand washing and washing work stations—all of that. Any business should be spending money to develop those types of precautions, including us. We should be taking the lead on Kaua'i in doing that and saying, "These are the steps that we are taking and other businesses, you should be taking these steps, too." At the end of the day, I agree with Councilmember Kagawa that we are accountable for how that money is spent, and I hope that the Administration can keep us updated as that

money is spent. If we do appropriate, I trust that they will be spending it well and I also agree that for facing recession next year partially because of this, that it is vitally important that we are really efficient in how we are spending money. With all of that said, preparation is vital. I fully support this appropriation now. I support the County taking every preparatory effort possible to avoid this becoming a big outbreak here. I also just want to thank Elton. Elton, you answered a whole bunch of my questions by E-mail the other day and I appreciate the time you put into the response and all the work that you are doing at KEMA. Thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I am ready to vote on this as well for all the reasons mentioned. The bottom line is that I do not think we can wait. The response and preparedness is key, it is vital to our wellbeing as a community. I would like to see us get it through. I do not know where Councilmember Kagawa is, but that is the sticking block right now. We need to get his vote on this; if not, I would ask our Administration to find him and to figure out the accountability pieces. If there are measures that he can agree to, which I would also like to see as well...

(Councilmember Kagawa was noted as present.)

Councilmember Chock: ...then I think that would make not only him, but all of us feel comfortable moving forward on it. That is really all we need. From now until we take this vote, please just get that together, so we can get this done today.

Council Chair Kaneshiro: Councilmember Kagawa is back. The plan was to defer to the end of the day so that the Administration could get the answers that you needed. I am not sure if that will help your vote or not. Obviously we need the vote of everyone. We did not want to take the vote with you not present, because you have a voice and your vote should be respected. The plan was to defer to the end of the day, but if you changed your mind, let us know now and we can vote on it right now. If not, the plan would be to have Councilmember Cowden say her statement on this and then we will defer it, so Councilmember Kagawa.

Councilmember Kagawa: I just met with the Mayor and Managing Director. Apparently, I am going to get some of the answers that I have been asking for. I just want to have the assurance that we are not going to have this two million dollars (\$2,000,000) used to pay for things that are not related to Coronavirus and that is what happens sometimes with these emergency-type bills—it provides opportunities to take care of unnecessary overtime and things that I am concerned about. If it is emergency items linked to the Coronavirus that we are going to make sure that Elton and the Mayor has clear oversight over that and making sure that taxpayer moneys are not being misused, then I feel comfortable supporting it. I had

a talk with the Mayor and I feel a lot more comfortable. I just want to have them go and get some of the information that I have asked about the Federal and State governments, just so that I have a clear understanding that we are working with the Federal and State governments to make sure that they are doing their fair share for Kauaʻi. They have the bulk of our tax moneys from our taxpayers and I think they have the professionals, they have the expertise, and I want to make sure that they do not allow this County to use our funds to take care of what they should be doing. If we are unsure of what the Federal and State governments are giving to this County and we are putting money first, I think we are giving the vehicle to pass the buck to us. Again, I know Coronavirus is important, I know the County's role is important, yes, but it does not mean that I am going to give blank checks for items and allow taxpayer moneys to have a chance to be misused. I am happy to support the deferral until they have the information that I need to have for my constituents. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am going to vote in support of this, but you said "deferral," so we are still going for the deferral?

Council Chair Kaneshiro: Deferral to the end of the agenda.

Councilmember Cowden: To the end of the agenda, okay. So a lot of very good comments have been made that I am very much in agreement with. I appreciate Vice Chair Kagawa's fiscal responsibility and wanting to be looking at where we are spending the money. I also want to acknowledge a couple of speakers that we had. I also have been worried about the houseless community that I walk past on a daily basis recognizing how vulnerable they are and how many of them lack insurance and even lack an identification (ID). There are very difficult ways of helping that particular community and we all have to stay healthy. We had a discussion about the *kūpuna*—very, very important group, especially when we have multigenerational families in houses together. I even have a concern about Merry Monarch. I am going to be supporting this and it has been so well said by Councilmembers Chock and Evslin the reasons for it, and Chair Kaneshiro, so I am a yes.

Council Chair Kaneshiro: Actually, it is just going to be moving it to the end of the agenda.

There being no objections, Proposed Draft Bill (No. 2776) was moved to later on the agenda for further discussion.

Council Chair Kaneshiro: Next item.

Ms. Fountain-Tanigawa: Chair, this brings us back to page 2.

COMMUNICATIONS:

C 2020-57 Communication (02/10/2020) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the United States Department of Agriculture Rural Business Development Grant, in the amount of \$100,000.00, to provide assistance in market analysis, financial projections, branding, and technical support for ten (10) to twelve (12) businesses on Kaua'i: Councilmember Chock moved to approve C 2020-57, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Do we have any questions? Nalani, we have some questions from the Councilmembers. Councilmember Cowden.

Councilmember Cowden: Thank you. Is this a continuing grant?

There being no objections, the rules were suspended.

NALANI K. KAAUWAI BRUN, Acting Director of Economic Development: Nalani Brun, Office of Economic Development. Let us just introduce Diana Singh, she is our Business Innovative Coordinator and she is going to be handling questions on this.

Councilmember Cowden: Is this a continuing grant?

DIANA SINGH, Business Innovation Coordinator: No. This would be a one-time application for funding. We are applying for a one-time grant and we would have the opportunity to apply again in the future, if we like, but this is a one-time program.

Councilmember Cowden: So some of this money would go to the ten (10) to twelve (12) businesses directly or is it mostly paying for staffing on the County side?

Ms. Singh: It would not go to them directly. The money would be used to help them in their development and growth. The purpose of this particular grant is really about helping in rural communities for small and emerging businesses to be able to develop their products and grow maybe into a second location, expanding their businesses with the ultimate purpose of creating jobs on the island.

Councilmember Cowden: So the person in the Office of Economic Development that would be managing that, they are helping the ten (10) to twelve (12) businesses?

Ms. Singh: Yes. We are hiring a part-time business consultant who will work with them. I will also be working with them through this process. We will work with many businesses, but specific to the funding for this grant, we really want to identify businesses that have a strong understanding of business basics, they are serious of their commitment to growth, and to continuing to grow on this island creating jobs for people on this island.

Councilmember Cowden: Are these applicants' names already in or are you still in an outreach process and if so, how do they put their application in?

Ms. Singh: We have informally created a list of businesses that we think would be candidates for this. We have not yet moved forward in the phase of actually making offers for those services for them.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you. Is there anyone in the audience wishing to testify on this item?

Mr. Pa-Smith: Do I state my name again?

Council Chair Kaneshiro: Yes, state your name. Again, you have three (3) minutes, the light will turn green, when you have thirty (30) seconds the light will turn yellow, and then when the three (3) minutes are up it will turn red. You have two (2) rounds of three (3) minutes, if you need it, to speak on this particular agenda item.

Mr. Pa-Smith: Patrick Solomon Kamealoha Hanohano Pa-Smith. I spoke a little bit earlier. I wanted to speak to Nalani's office, hopefully it is on-topic. I did not know until this morning that she was appointed the Acting Director of that department and I think it is a wonderful thing. I also want to mention that prior to her was George Costa, right? George Costa did these workforce development projects out in the community. After the flood, he also did a project that was very helpful. Out of all the different departments that you have here in the County, that department there does a really good job of going out into the community and seeking out what the needs of the people are, especially after the emergency flood. They were very helpful in identifying funds that community organizations could apply for, because while the County and the government agencies and all the public organizations, they have all these funding available to them, but the other side of this, of course, is the community and how we are going to build our own capacity to address those issues, the 2018 flood. George allowed us, by coming up with different programs, he pursued different grants and allowed us to be a part of the conversation. I support whatever new iteration of those grants are. I know that the State has a lot of Department of Labor grants and the good thing about this one is that at least the person is going to be working on the grants is here from Kaua'i. The last time we went through this process, Nalani knows, a year-and-a-half of trying to work through the process and not getting much done—a lot of it had to do with the fact that the person that was working on this emergency flood situation as far as this located workers is concerned was from the island of O'ahu. It was hard for that person to appreciate a lot of compassion, a lot of empathy, but it was hard for them to understand of what we needed to do to *lomi* the program and *lomi* the qualifications in order for people here to qualify. Some of the dislocated workers' moneys... very important moneys that hopefully we can continue to pursue. *Mahalo*.

Council Chair Kaneshiro: Is there anyone else in the audience wishing to testify? Randy.

RANDY FRANCISCO: *Aloha.* Randy Francisco, Kaua'i Filipino Chamber of Commerce President and Hanapēpē Economic Alliance Vice President. I just wanted to say it is really timely that we have this grant, especially because we are seeing the numbers go down on visitors. My hope is that in the outreach effort that this is rural—the whole island is rural—so that in the process of vetting potential businesses, that there is a genuine effort made to really reach out into the business community. I hope that we can encourage especially new entrepreneurs to consider this potential program. We already have existing businesses, but we need to also demonstrate that we are also looking at future entrepreneurs. I think this is an outstanding opportunity, so I would like to just mention that, because we need the youth and the young entrepreneurs to lead us into the next economy. That is my only comment. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify for the first time? If not, is there anyone wishing to testify for a second time?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Any final discussion from the members?
Councilmember Kagawa.

Councilmember Kagawa: I want to echo Mr. Smith and say Nalani is tremendous—integrity and just her personality and everything. I think she is a great leader for the Office of Economic Development. Well-deserved. Regarding agriculture, I appreciate anything more that we can do for agriculture. I said before, I can only speak for Waimea High School as I am there now, and the agriculture program that we have out there is growing. It is a tremendous success and you can see the energy and passion that the students have, especially those local kids that are not going to be engineers or nurses or what have you, but just the passion that they have in their work knowing that the food they are growing is so important. It is the number one thing we need—healthy food. To see that passion and for us not to take advantage of that and push more programs that promote agriculture on Kaua'i would be a waste. I appreciate all of the efforts; I appreciate more endeavors like this because the future is in the hands of our kids and we have to promote and lead more program, so that they can expand their possibilities. Again to Nalani and her staff, thank you and I wish you continued success.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I also really support this effort. I think it is really important that we work hard to create a locally-based economy. I think the time is particularly ripe right now when we are seeing this potential thirty-four percent (34%) increase in shipping. That is going to lessen that competitive level that has been a big barrier. When we also see this potential financial contraction at a global level, very important that we work hard to build as much base as we have

on-island to be supporting ourselves and each other as well as the next product. Locally-based economy, I am all about that. Thank you very much and I have a lot of confidence in our Office of Economic Development.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I really appreciated Randy's testimony and focusing on the importance of diversifying our economy beyond tourism especially when we are facing something like this and we see how vulnerable we are to global whims and pandemics reducing tourist numbers. As a small business owner, we need all the support that we can get. I was thinking about when we started our business how hard it was to find access to resources to knowledge-base, I am sure they were out there, we just did not look hard enough. This sounds like a fantastic program that I wish ten (10) years ago we had access to when we started. Thank you.

Council Chair Kaneshiro: Anyone else? Councilmember Chock.

Councilmember Chock: I will just say thank you for applying. It is a good first step. I know we do not have the Department of Agriculture for instance, but anything we can do to contribute to these small businesses is important. Perhaps there is more we can build upon, particularly forecasting the future of agriculture and how we want to see it develop on Kaua'i—is huge. Also the continuity we are seeing a lot of our agriculture businesses suffering, not being able to find workers and the next generation of farmers. I appreciate the effort. Anything we can do to support it, I would love to see more grants coming through. Thank you.

Council Chair Kaneshiro: I want to say, I am going to support this one hundred percent (100%). As far as providing assistance in market analysis, financial projections, branding, and technical support, I think those are the exact criteria usually agricultural people have a hard time or do not have the time to concentrate on. They may be great at growing their produce and be out on the farm from 6:00 a.m. to 10:00 at night—they do not have time to do any of this branding, technical support, market analysis, financial projections. I think that is one of the most important parts to a business—to know if you have a market, what your cost is, who you are able to sell your produce to. For us, we see a slowdown trend in farming and people being successful in agriculture. People have always said, "If you want to be a millionaire in agriculture, then you start with two million dollars, because you will probably lose a million dollars and you will still have a million dollars left." I would really love to see a change in that trend. Actually, we went to the National Association of Counties (NACo) legislative conference, and with the way the economy is going with this virus, a lot of talk was about the downward trend and agriculture throughout the U.S. They talked about a high suicide rate with farmers. These are farmers that have had farms in their family for generations—four (4) generations, five (5) generations, family land that they have had forever. They see their costs going up and the commodity prices staying what they are or lower and they are not able to hold onto their family farms. They are the family member that has lost the farm. It really is affecting a lot of farmers. I think it affects people here, too. A lot of people are interested in agriculture, they put a lot of resources to it and end up failing; it is like, "Then why do agriculture? You might as well work at a hotel or do

something else where I am going to have a guaranteed paycheck, I do not need to worry about the weather.” There is so much factors that affect agriculture, one of the most important things we need—we need people producing food, so I think this is a great step for anyone, current or new people that want to go into agriculture. I think it is important. I will be voting for this. Is there anyone else?

The motion to approve C 2020-57 was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-64 Communication (01/31/2020) from Darcie Yukimura, Chair of the Committee on the Status of Women, requesting Council approval to apply for, receive, and expend funds in the amount of \$10,000.00, from the Hawai'i State Commission on the Status of Women, and to indemnify the State of Hawai'i, to support ongoing advocacy and a variety of activities planned for Fiscal Year 2020-2021, including but not limited to, a Human Trafficking Forum/Next Steps, Breast Cancer Awareness Month, Career Day (a day-long mentoring program for girls), and more: Councilmember Chock moved to approve C 2020-64, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on this?

Councilmember Cowden: I just have a comment.

Council Chair Kaneshiro: Okay, we can save the comments for after. If there is no questions, is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, I will bring this meeting back to order. Councilmember Cowden.

The meeting was called back to order, and proceeded as follows:

Councilmember Cowden: I want to thank the Status of Women and the Commission for all the significant topics that they have been addressing—been really relevant and doing good work. I believe we will all easily support this ten thousand dollar (\$10,000) grant to be getting from the State. Good job.

Council Chair Kaneshiro: Is there anyone else?

The motion to approve C 2020-64 was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-65 Communication (02/11/2020) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to definitions of "applicant" and "owner": Councilmember Chock moved to receive C 2020-65 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: We will take most of the conversation on this and debate on it at the actual Bill. Is there anyone in the audience wishing to testify on this Communication?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to approve C 2020-65 was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-66 Communication (02/12/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend additional Federal Funds in the amount of \$21,212.00, and to indemnify the State of Hawai'i, Department of the Attorney General, to be used for salaries/wages and training for the Domestic Violence Prosecution Unit. The term of the contract will be extended from March 31, 2020 to June 30, 2020: Councilmember Chock moved to approve C 2020-66, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on this? Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any final discussion from the members? Councilmember Cowden.

Councilmember Cowden: I want to again show gratitude for the work that is being done. Domestic violence continues as a very serious problem. I appreciate the efforts through the Office of the Prosecuting Attorney. Thank you.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: Ditto. I am not running this year, so I do not need to say anything.

Council Chair Kaneshiro: Is there anyone else?

The motion to approve C 2020-66 was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-67 Communication (02/18/2020) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety funds from the State of Hawai'i Department of Transportation (HDOT), in the amount of \$183,450.00, and to indemnify HDOT, for the continued funding of one (1) Full-Time Equivalent (FTE) Traffic Safety Resource Prosecutor (TSRP), and travel and training for the TSRP and one (1) Deputy Prosecuting Attorney handling vehicular crimes. This is a recurring grant and funds will be utilized for the term commencing October 1, 2020 to September 30, 2021: Councilmember Chock moved to approve C 2020-67, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on this item? Is there anyone in the audience wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any final discussion from the members?

The motion to approve C 2020-67 was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-69 Communication (02/20/2020) from Nalani K. Kaauwai Brun, Acting Director of Economic Development, requesting Council approval to apply for, receive, and expend United States Department of Labor funds in the amount of

\$271,669.00 from the State of Hawai'i Department of Labor, and to indemnify the State of Hawai'i Department of Labor, for the Kaua'i Workforce Development Board – Workforce Innovation & Opportunities Act (WIOA) programs to include the Adult Program, Dislocated Worker Program, Youth Program, and administrative costs: Councilmember Chock moved to approve C 2020-69, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions? I will suspend the rules, Nalani. Councilmember Cowden.

Councilmember Cowden: Thank you. I used to be on the Workforce Investment Act Board. Is this money being spent on staff or mostly being spent to fund the people who are recipients of the program?

There being no objections, the rules were suspended.

Ms. Brun: Nalani Brun, Office of Economic Development. I can introduce Dan Fort, who is heading-up this program.

DAN FORT, Specialist IV – Workforce: *Aloha.* Dan Fort, Office of Economic Development. WIOA is the carryover from Workforce Investment Act (WIA). The money that is being requested, approximately seventy-five percent (75%) goes towards the recipients—the actual people who come into the work center to seek jobs.

Councilmember Cowden: So they would come into Hale Kōkua.

Mr. Fort: Yes, ma'am.

Councilmember Cowden: Yes. Is this continuing money or is this a fresh pot of more money.

Mr. Fort: This is a continuing grant.

Councilmember Cowden: Are we looking for more businesses to be able to apply to be taking these workers or is it just an on-going, people know to come in both as applicants and businesses.

Mr. Fort: One portion of WIOA is business engagement, where we go out to the community and we seek these businesses to mostly go into HireNet Hawai'i. If you have positions available...this is a statewide program that they can apply to and can put their positions out and that we can hook the unemployed to the right business and get them hooked-up with a job.

Councilmember Cowden: So if a business was wanting to receive this supplementation in paying for employees, how do they sign up? Where do they go?

Mr. Fort: They would come to our center. They would contact us at the agency. There are funds set aside, so say for an internship—one of the companies that I can throw out is the Kauaʻi Food Bank. They recently had a graduate from our program that worked for them for six (6) months, a portion of her fees were paid for by this grant.

Councilmember Cowden: Okay, thank you. I just want businesses to know that this is something that is out there and available. It is good for the people who get hired and especially for businesses that might need a little bit of extra support in a weak time. It is a great way to have a win-win out of this.

Council Chair Kaneshiro: I am sorry. I know you explained it, Dan, last year also, but as far as the Dislocated Worker Program, is that a program if they are temporarily off? I know Princeville Hotel, I believe is going to be closed down for renovation or improvements for a year or so. There is going to be a lot of workers there that will be displaced. I do not want to say, everyone come in and apply or talk to you about this grant if anything more happens with the Coronavirus, but what type of services does the Dislocated Worker Program provide?

Mr. Fort: There are two (2) facets to WIOA. One (1) of them is the Dislocated Worker—that your average person who was maybe terminated from a job, laid-off because of staffing issues or whatever. Those funds are set aside for that person. The second-leg of that is the Rapid Response Dislocated Workers, which we came to you for last year. That money goes strictly towards Princeville. We received their Workers Adjustment Retraining Notice (WARN), so what we do is we go out and bring a staff together to go to Princeville and meet with their two hundred (200) plus employees and put them into the system. It makes it easier than all two hundred (200) of them trickling into our office on a daily basis and overwhelming us. We set aside a time for them and a portion of that Rapid Response money will go towards paying the salaries of the counselors and agents that will be going out there to address their needs.

Council Chair Kaneshiro: Okay, thank you. Are there any further questions from the members? If not, thank you. Is there anyone in the audience wishing to testify on this item? Randy.

There being no objections, the rules were suspended to take public testimony.

Mr. Francisco: Randy Francisco, Kauaʻi Filipino Chamber of Commerce, President and Hanapēpē Economic Alliance, Vice President. I think it is timely that this grant has come up. My first experience on Kauaʻi was right after Hurricane Iniki. I came on behalf of the University of Hawaiʻi (UH) Community College system to implement a million-dollar grant. Part of the effort was for the Dislocated Worker grant to bring outreach. And to my shock, but fortunately I was prepared—the Westin had that tremendous lay-off and I set up a schedule for six (6) months—in one (1)

day, ninety percent (90%) of the courses, one hundred and thirty (130), were closed. I think in preparation for this, I would encourage the Office of Economic Development to consider outreach and bring programs to the north shore, because I think it is very possible, especially with the technology. The other is that I have served in this capacity of the Workforce Investment Board when I first came as the Chair and was a member, I think the efforts of the board and what the intent of this grant is really crucial at this time, because as we can already see layoffs are coming. I think taking a much more proactive approach will help people in some sense of recovery, because they will have mortgages to pay and I just want to emphasize that let us not forget them. Of course for those who are applying for unemployment insurance, in order to qualify you need to do a job search. You also have the option of taking Workforce Training Program. I think for people on the north shore in particular, the training option might be the most convenient. Lastly, I would like to echo Councilmember Kagawa's comments about Nalani Brun. I think she is an amazing person, not only is she a leader, but she is a person who is very much about *aloha* and caring. I can say that firsthand because I have had the honor and pleasure of working with her as a colleague, as a former film commissioner, which inspired me to "go for it," as she once said, which lead us to some awesome movies on Kaua'i. That having been said, I just want to encourage you to explore and think out of the box as the Office of Economic Development, because that has been one of the major characteristics of this unique office—to be a quick responder, to be able to lead by example, and most of all lead with *aloha* and caring—Nalani Brun is that person. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify on this item?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Councilmember Cowden, no? Okay.

The motion to approve C 2020-69 was then put, and carried by a vote of 5:0:2* (Councilmember Kualii was excused).

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-70 Communication (02/25/2020) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Section 8-4.3(d), Kaua'i County Code 1987, as amended, relating to the lot coverage standards for development of properties within the "R-10" and "R-20" Zoning Districts: Councilmember Kagawa moved to receive C 2020-70 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2020-70 for the record, was then put and carried by a vote of 5:0:2* (*Councilmember Kualii was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

C 2020-71 Communication (02/27/2020) from the County Attorney, requesting Council authorization to expend additional funds up to \$200,000.00, for Special Counsel's continued services to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations: Councilmember Chock moved to approve C 2020-71, seconded by Councilmember Kagawa.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: We do have an Executive Session scheduled for this matter.

Council Chair Kaneshiro: Do we approve it now or do we come back after?

Ms. Fountain-Tanigawa: It depends if you want to hear additional information, then you could go into Executive Session.

Council Chair Kaneshiro: Can we put it to the end of the meeting?

Ms. Fountain-Tanigawa: Yes, we can take it later.

Council Chair Kaneshiro: Yes, let us move it to the end of the meeting. Do we need a vote on that? Okay, we will move it to the end after the Executive Session. Next item.

LEGAL DOCUMENT:

C 2020-73 Communication (02/10/2020) from the Deputy County Engineer, recommending Council approval of the following Property Adjustment Agreements for the clearing of debris and dredged material from the Waihohonu Stream:

- Property Adjustment Agreement by and between the County of Kaua'i and Haupū Land Company, LLC, Tax Map Key (TMK) No. (4) 2-8-002-001;

- Property Adjustment Agreement by and between the County of Kauaʻi and Waihohonu c/o Grove Farm Properties, Inc., TMK No. (4) 2-8-004-001; and
- Property Adjustment Agreement by and between the County of Kauaʻi and Eric A. Knudsen Trust, TMK No. (4) 2-8-004-003; and
- Property Adjustment Agreement by and between the County of Kauaʻi and DWI Properties Family LP, TMK No. (4) 2-8-005-002.

Councilmember Kagawa moved to approve C 2020-73, seconded by Councilmember Cowden.

Council Chair Kaneshiro: I will be recusing myself from this one. It does involve Grove Farm Properties, but again this is FEMA money to help on areas that were flooding in Kōloa. Councilmember Kagawa if you can take it, I am going to recuse.

Council Chair Kaneshiro, the Presiding Officer, relinquished Chairmanship to Council Vice Chair Kagawa.

Councilmember Kagawa: Thank you. Are there any questions for Public Works? Do you want a brief update? Thank you, Troy. If you can introduce yourself and provide a brief description of the area. It looks like we are going to be using these agreements to clear debris and dredge material from the stream, which I cannot see is a bad thing—it is a great thing. Go ahead.

TROY K. TANIGAWA, Acting County Engineer: *Aloha* Councilmembers. Troy Tanigawa, Acting County Engineer. Any questions?

Councilmember Cowden: Okay. We have been getting a lot of letters about people complaining about the water pooling up in these areas. I think this is great, I just wondered if you could give us some clarification on which roads, which area. I am really thinking as much for the viewers of what they can expect and when.

Mr. Tanigawa: Okay.

Councilmember Kagawa: Troy, if you can describe the area.

Councilmember Cowden: Yes, describe the areas.

Councilmember Kagawa: Describe the areas so the viewers know which ditches are going to be cleaned, because I do not know what stream that is.

Mr. Tanigawa: This area is real close to Kōloa Town, just north of it I believe. There are a couple of roads; Ala Kinoiki Road has a bridge. The bridge is not really noticeable, but there is a bridge if you look at the north end of Ala Kinoiki Road, after the turnoff, I would say about maybe a quarter mile to half a mile south of where you come off of Maluhia Road. Ala Kinoiki Bridge that Waihohonu Stream crosses. Then, if you go further back north into the camp area there is another fourth (4th) crossing. Up in that section there is a residential area that lies between that fourth (4th) crossing and that crossing by Ala Kinoiki.

Councilmember Cowden: Is this creating a pooling of water on the road? I have been getting all these complaints that there is plant debris and water pooling on the road in a way that makes it dangerous, so this is the private landowner is allowing the County to come in and clean it, is that essentially what is happening here?

Mr. Tanigawa: Correct. The purpose of the project is to remove debris from the stream channel.

Councilmember Cowden: Does this run up towards 'Ōma'o? Is it in that area too?

Mr. Tanigawa: No, it is away from 'Ōma'o. This is in Waihohonu Stream above Kōloa Town.

Councilmember Kagawa: Let us get the map up there. Troy can show you with the pointer, show us where is Sueoka Store or Kōloa Park. I like when the public knows.

Councilmember Cowden: Yes.

Councilmember Kagawa: There are millions that watch this.

Councilmember Cowden: There is a lot that do watch and it is really helpful for all of us.

Councilmember Kagawa: It is good. We had some flooding there during the big flood.

Councilmember Cowden: Yes.

Councilmember Kagawa: Having had that happen and having Troy point out some areas, because for a lot of the taxpayers that do not live in that area we are not directly affected. They are not sure what we are fixing and it would be good to know. You can continue with your questioning after he points out the area.

Councilmember Cowden: Yes.

Mr. Tanigawa: This is the Road that comes off of Maluhia Road, north of the intersection with Ala Kinoiki Road, Waila'au Road goes east off of Maluhia Road and there is this fourth (4th) crossing in this area. This is the area of property that we need access to get in and remove debris from the stream channel. That creates capacity in the stream for stormwater and it flows better and prevents flooding in the surrounding areas. Waila'au Road continues this way—if you can go to the next, this is where Waila'au Road comes into that residential area that I mentioned. The stream continues this way—it goosenecks this way and comes back down this way, so this is another property area that we need access into, to get equipment through to access the channel and remove debris. There are actually four (4) Property Adjustment Agreements that we are executing. This is that area I mentioned, that the bridge on Ala Kinoiki, Waihohonu Stream crosses there, so debris needs to be removed from this

area, as well as in these areas over here and along the stream. The last area—if you can go to the next one—is just below the Kōloa Ball Park. The stream runs this way along here and debris removal will occur in this area right here to facilitate drainage through storm events.

Councilmember Cowden: When is this work going to happen?

Mr. Tanigawa: It will probably happen within the next couple of months.

Councilmember Cowden: Okay.

Mr. Tanigawa: We are developing the contract. Once it is signed and we can issue the Notice to Proceed (NTP) and get the contract going.

Councilmember Cowden: What does the contract typically say? Does it give permission or we pay money to go onto their property or they just help us out by letting us do the work?

Mr. Tanigawa: The Property Adjustment Agreements just basically allow the County access to the sites.

Councilmember Cowden: They might say, “Do not cut this tree” or something like that, but basically it is just goodwill by these adjacent landowners to help us do our job and help the community from flooding.

Mr. Tanigawa: Correct. There is an indemnity provision in paragraph 4 of each of the agreements—that is why we are here today to get Council approval for that.

Councilmember Cowden: Okay, thank you.

Councilmember Kagawa: Councilmember Chock.

Councilmember Chock: Thank you, Chair. Thanks, Troy. I want to know a little bit more about these Adjustment Agreements and the contract because...I think it is great that we can access these properties and clear the debris for potential flooding, but I am curious as to how this agreement has come to be...let me just back up to the whole island. We know with the floods that we had—huge issues, right? Wailua, Pu‘uopae, pretty much every stream on the north shore—Wainiha to Waiole and so forth. I see here a mechanism or way that we have been struggling with from Public Works in trying to get this kind of clearing done, so my question is, is this the mechanism and the way...the bigger question is—is it going to open a can of worms—the fight has been between the County and the State about who will take care of it, but here we have an example that it is being taken care of. I guess I want to know, one, how many more of these agreements we have that would allow us to take care some of this *kuleana* that is coming up over time? And is this the mechanism or the direction that the County needs to look at? If so, what does that open us up, in terms of the future costs that we are looking at in order to become part of the process in clearing? I know

these are huge questions, you do not need to answer them all today, Troy. First time up here since Lyle and I am giving it to you, but this is big to me.

Mr. Tanigawa: We had an opportunity here to really get into this area and address things, so that it allays future flood concerns during rain events. Speaking to the bigger picture—yes, that is something that we have to address, but we have to knock them off one at a time with the ones we can get to. Fortunately in this case, we had agreeable landowners who are willing and able to let the County on their properties and come to agreeable terms to allow us to do that. We will continue to look for opportunities and areas that really need attention first and address those systematically.

Councilmember Chock: I see these are commercial entities, so can this be done on private land like a residential neighborhood, indemnifying these people. At Wainiha there are all houses along that stream and debris stuck up there.

Mr. Tanigawa: Yes, we have examples of executing agreements with residents or individuals also, when we have to get into areas with private properties. We have called those constructions, Right-of-Entries, in this case, this version is called Property Adjustment Agreement, but there are those existing examples already that we have been able to get to and execute it.

Councilmember Chock: Thank you.

Mr. Tanigawa: It just depends if the land is only agreeable to terms that both the County and they are satisfied with.

Councilmember Kagawa: Councilmember Evslin.

Councilmember Evslin: Thank you for coming. I apologize if you said it already, but is the anticipation that this work will have to get done regularly as the debris grows back or reclogs the stream?

Mr. Tanigawa: It will probably have to. The type of vegetation or debris in here—*hau* bush—that type of tree grows back. It is likely that there will be future times that we will have to get into those areas to take care of the drainage canal and make sure it maintains capacity.

Councilmember Evslin: Is there a recurring plan? It is as-needed.

Mr. Tanigawa: Nothing is planned right now. We are just addressing the immediate concern right now.

Councilmember Evslin: I know the area flooded badly in the April 2018 floods and members of the community were saying “because it was blocked.” This is the first time since the flood that we have gone in there to try and clean it?

Mr. Tanigawa: These areas that we are addressing, I believe so, but there are other areas further west of that bridge that I showed you on

Ala Kinoiki, I know there was some work done on there and a couple of other spots in that stream, but these ones that we are getting into, I do not believe they were taken care of since then.

Councilmember Evslin: Okay, thank you.

Councilmember Kagawa: Troy, on the previous slide in comparison to this slide, is the previous slide more *mauka* or west?

Mr. Tanigawa: Yes, that is further north and little bit east.

Councilmember Kagawa: Further north and little bit east.

Mr. Tanigawa: Yes.

Councilmember Kagawa: Okay, so it is more north and east. Do we have moneys budgeted?

Mr. Tanigawa: Yes, the award has been made. The contract is being developed now.

Councilmember Kagawa: What account does it come out of?

Mr. Tanigawa: I believe...

Councilmember Kagawa: Capital Improvement Projects (CIP)?

Mr. Tanigawa: This is part of "RAIN-18" funds.

Councilmember Kagawa: Okay.

Mr. Tanigawa: I think recently RAIN-18 was...I am not sure how it was done, but maybe we appropriated under Act 35.

Councilmember Kagawa: We have appropriate funds to take care of this job.

Mr. Tanigawa: Yes.

Councilmember Kagawa: Thank you. Councilmember Cowden.

Councilmember Cowden: Is this a regular process? Do we do this much? I know when this happened in Waimea recently, maybe that would have been good to have this Property Adjustment Agreement. Do we usually do it, even with residents?

Mr. Tanigawa: Yes, this is one (1) version. We have also used a Right-of-Entry document.

Councilmember Cowden: Okay.

Mr. Tanigawa: Basically the same thing; it has terms and conditions to clarify or protect the County and the individual who is allowing access.

Councilmember Cowden: Okay. I saw a little bit of tension out there, so I like that there is an agreement and we can make sure the landowners go with what we decide to cut. Thank you.

Councilmember Kagawa: Are there any further questions? Seeing none, is there anyone from the public wishing to testify on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: Seeing none, is there any further discussion?
Councilmember Cowden.

Councilmember Cowden: I wanted to thank these landowners. I do not know if I should name them, but I appreciate that they are doing that. It really helps everyone. Can I say it? Knudsen Trust, Grove Farm, Haupu Land Company, and DWI Properties, because sometimes people give a hard time and I want to give them a positive note when they should get it, right, this is something really good. Thank you to them.

Councilmember Kagawa: Is there further discussion?

Councilmember Chock: Thanks, Chair. I will be asking the Administration for more of an update on Act 35 moneys. I know at the legislature, they are still looking through how to appropriate it. I think it is an important discussion, because we need to prioritize. There are only so much funds to do this clearing, but I think we are at risk in certain areas we should be looking at. I would like to know where we are on that. Thank you.

Councilmember Kagawa: I agree, all around. We have these stream problems, river mouth problems, we have roads in limbo problems. A lot of times we are not touching it, because once we touch it, then the public expects it to be us. But then what do you do? I think Troy and Public Works are doing a proactive thing—trying to do what we can with what we have, but yet there is an overarching question of sustainability. I think we cannot just ignore these ditches and streams, roads in limbo, because the public loses and the public still pays their share of taxes and struggles every day. I surely agree with what Councilmember Chock just said. When are we going to tackle it for good and come to some kind of agreement whether it be monetarily or what to get the job done? The public expects us to get the job done, not give excuses. Thank you. Councilmember Cowden.

Councilmember Cowden: I want to thank Councilmember Chock for bringing that up, because especially Wainiha, we really have a lot of problems waiting

in the wings to happen and if we could take this kind of concept and apply it in other places that would be tremendously helpful.

Councilmember Kagawa: Do you know whose slogan that was? “Get the job done.” Frank Fasi.

The motion to approve C 2020-73 was then put, and carried by a vote of 4:0:2*:1 (*Councilmember Kualii was excused*) (*Council Chair Kaneshiro was recused*).

Council Vice Chair Kagawa returned Chairmanship to Council Chair Kaneshiro.

Council Chair Kaneshiro: Okay, next item, please.

CLAIMS:

C 2020-74 Communication (02/10/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Madalyn Rutschman, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-75 Communication (02/12/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Nathaniel Adams, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-76 Communication (02/18/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Liberty Mutual Fire Insurance Company as subrogee for Richard McClain, for damage to his property, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-77 Communication (02/20/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Arthur Hernandez, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-78 Communication (02/21/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Thomas Gatehouse, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-79 Communication (03/02/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Cody Zimmerman, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2020-80 Communication (03/02/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Viking Billing Service/Hertz Rental Car, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Chock moved to refer C 2020-74, C 2020-75, C 2020-76, C 2020-77, C 2020-78, C 2020-79, and C 2020-80 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on any of these claims?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to refer C 2020-74, C 2020-75, C 2020-76, C 2020-77, C 2020-78, C 2020-79, and C 2020-80 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 5:0:2*. *(Councilmember Kualii was excused).*

Council Chair Kaneshiro: Motion carried. Next item.

COMMITTEE REPORTS:

PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (No. CR-PWVS 2020-01) submitted by the Public Works & Veterans Services Committee, recommended that the following be Received for the Record on second and final reading:

“Communication (02/14/2020) from the Deputy County Engineer, requesting agenda time to present the results of the Wastewater Management Division’s rate study,”

Councilmember Chock moved for approval of the report, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this Committee Report?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion for approval of the report was then put, and carried by a vote of 5:0:2* *(Councilmember Kualii was excused).*

Council Chair Kaneshiro: Motion carried. Next item.

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2020-03) submitted by the Committee of the Whole, recommended that the following be Approved on second and final reading:

“Bill No. 2770 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*Kekaha Landfill Transition Funding and Equipment – \$1,312,000.00*),”

A report (No. CR-COW 2020-04) submitted by the Committee of the Whole, recommended that the following be Approved on second and final reading:

“Bill No. 2771 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2019 AND JUNE 30, 2021,”

A report (No. CR-COW 2020-05) submitted by the Committee of the Whole, recommended that the following be Approved on second and final reading:

“Bill No. 2772 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kapa‘a Swimming Pool Renovation (Operating Budget) – \$750,000.00*),”

A report (No. CR-COW 2020-06) submitted by the Committee of the Whole, recommended that the following be Approved on second and final reading:

“Bill No. 2773 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-019-857, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND-CIP (*Kapa‘a Swimming Pool Renovation (CIP Budget) – \$1,000,000.00*),”

Councilmember Chock moved for approval of the reports, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on any of these Committee of the Whole Reports?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion for approval of the report was then put, and carried by a vote of 5:0:2* (*Councilmember Kualii was excused.*)

Council Chair Kaneshiro: Motion carried. Next item, Resolutions.

RESOLUTIONS:

Resolution No. 2020-14 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Gregory A. Kamm*): Councilmember Chock moved for adoption of Resolution No. 2020-14, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the members on this? Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Councilmember Cowden.

Councilmember Cowden: I think he is a great choice.

Council Chair Kaneshiro: Okay. Is there anyone else? If not roll call vote.

The motion for adoption of Resolution No. 2020-14 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Next item.

Resolution No. 2020-15 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Laurie L. K. Yoshida*): Councilmember Chock moved for adoption of Resolution No. 2020-15, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Are there any questions from the members? If not, is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Can I have a roll call vote?

The motion for adoption of Resolution No. 2020-15 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Motion passes.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2777) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO DEFINITIONS (*County of Kaua'i Planning Department, Applicant*) (ZA-2016-3): Councilmember Chock moved for passage of Proposed Draft Bill (No. 2777) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 8, 2020, and referred to the Planning Committee, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Do we have any questions on this?
Councilmember Chock.

Councilmember Chock: If it is okay, I have an amendment and I would like to introduce it and have Planning come up.

Councilmember Chock moved to amend Proposed Draft Bill (No. 2777) as circulated, and as shown in the Floor Amendment, which is attached hereto, seconded by Councilmember Evslin.

Council Chair Kaneshiro: Do you want to explain it?

Councilmember Chock: I am going to have Mr. Hull explain it. This amendment is by request.

Council Chair Kaneshiro: I will suspend the rules.

There being no objections, the rules were suspended.

(Councilmember Kagawa was noted as present.)

Mr. Hull: Good morning, Chair and members of the Council, Ka'āina Hull on behalf of the Planning Department. What you have before you is the Bill on behalf of the Planning Department; it is a housekeeping measure. If you notice, it was initiated at the Planning Commission level several years ago and got put on layaway. Essentially, in a nutshell, the current definition of an applicant and that listing who has the authority to apply for a zoning permit, as well as withdraw a zoning permit entitlements, is defined as anyone with a seventy-five percent (75%) interest in the property ownership of the property and/or a lessee, who has the lease of five (5) years or longer. We have gotten into some considerable civil issues concerning this definition, particularly because some properties have a multitude of owners, as well as an array of different leases out there. There have been some civil issues concerning property ownership and the ability to apply for permits. This came to a head a few years ago and we actually faced a court case and appeal on this definition, ultimately, we did not prevail in this case. It is our position, as well, that the seventy-five percent (75%) number, when you look at an array of different definitions the applicant, seventy-five percent (75%), it usually is "fifty percent plus one (50%+)" ownership of a property or full ownership of a property is that ability when you look at other jurisdictions. This seventy-five percent (75%) is an arbitrary number, so we are proposing to remove the seventy-five percent (75%) and just say, "You are the owner of the property and/or have authorized a representative on behalf of the property." If there are situations where you have multiple owners, i.e., in the condominium property regime (CPR) scenario, generally those documents will be drafted in a manner that cede power of attorney to a particular individual. If they do not, if there are civil agreements on a CPR that does not have the power of attorney authorities granted, then indeed all of the CPR owners for a particular lot of record have to sign-off under the proposed amendment. In a nutshell, this is really a housekeeping measure. We definitely need this, if we get challenged in court, we are going to lose, again on this definition. Just to clean that up.

Council Chair Kaneshiro: Councilmember Cowden, then Councilmember Evslin.

Councilmember Cowden: On the amendment, where it adds in “written authorization” I think that is a really easy one to go with. It seems like it should definitely be unambiguous that it is “written authorization.” There is quite a bit of pages in our agenda here on this item, so I tried to read through it, it is clear it is mostly about condominiums, right? That is probably the problematic area.

Mr. Hull: Sometimes you may have scenarios in...let me backtrack, yes, Councilmember Cowden, for the most part the issues we run into, this definition has to do with CPR.

Councilmember Cowden: Okay.

Mr. Hull: There are a handful of properties that do not, but for the most part it is.

Councilmember Cowden: For the most part, if it is a family member, there are two (2) partners in it and there is a disagreement or something. Can you tell us what case was the example?

Mr. Hull: I cannot think of the name off the top of my head, but it was essentially where a CPR owner refused to sign off on the authorization. If I recall correctly, it was a case where we had an application for a discretionary use permit. It was ultimately allowed to go before the Planning Commission. There was some discrepancy between whether or not we should accept the application. Forgive me for not knowing off the top of my head, Jodi A. Higuchi Sayegusa, Deputy Planning Director, has been playing point. There are many benefits of having an attorney as your Deputy, and this is one of them. She is off-island today, but she will definitely be here for the Committee Meeting.

Councilmember Cowden: He gave me a shorter answer. I kept looking through it, trying to visualize where exactly are the problems. It seems like such a simple Bill on the surface of it and to see all this detail, it seems like it actually is really important. If we have a condominium complex of one hundred (100) units and sixty (60) of them say something and the other forty (40) are not happy with it...there are some complaints coming to me now, in a circumstance where sixty percent (60%) of the condominium complex are vacation rentals and kind of working against the forty percent (40%) that are not high-income and live there, so is this an example of that?

Mr. Hull: It would be an example, in which the forty percent (40%) wanted to appeal any actions taken on a zoning permit application saying, that they did not sign off, the fact that our seventy-five percent (75%) threshold does not hold water when challenged, as far as having the legal authority for us to discriminate between the seventy-five percent (75%) and twenty-five

percent (25%). Our understanding is if we have a fifty plus one (50%+) delegation line for what constitutes an applicant or full one hundred percent (100%), that will hold weight when we get challenged before a judge, essentially.

Councilmember Cowden: I will just frame this and you do not need to give me a quality answer for this. When I have been working for a client who is a long-term owner in a unit that is growing to be more vacation rentals. When that majority of vacation rentals that are making homeowner association rules, it is going to push out the long-term people. Would this rule apply in that situation?

Mr. Hull: There is no clear answer Councilmember Cowden, because it depends on the matter in which the homeowner association documents or Covenants, Conditions, and Restrictions (CC&Rs) are drafted. If the CC&R is drafted in which power of attorney is granted to, say, the president of the homeowner association, then whatever actions the homeowners association takes civilly to establish their own internal rules, insofar as the president being okay with them and applying for the respective zoning permits, we would accept that application as valid under the proposed rules.

Councilmember Cowden: Okay, I will follow-up with a private meeting, because it feels important to me, but I do not want to digress this conversation on it.

Mr. Hull: Okay, thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Ka'āina for coming. If someone applies for a zoning permit and they are in full compliance with the zoning code and whatever their condominium documents say, if this were to pass, any neighbor that they have on that CPR can veto it for any reason, right, or does it have to be for a reason, because it says it violates their condominium documents?

Mr. Hull: No. It all depends on how the CC&Rs are drafted. Under the existing law, right now, say there are four (4) owners that, say Councilmember Cowden, yourself, Council Chair Kaneshiro, and Councilmember Chock all own CPRs on the same lot of record. Currently, one (1) of you wants to apply for a zoning permit, you have to get at least two (2) other of your CPR owners to sign off with you, if the CPR document does not have power of attorney granted to each of you individually. So, if you are able to secure Chair Kaneshiro's approval, Councilmember Chock's approval, you are good. But Councilmember Cowden can say, "No, I do not want it." But under our rules you have the seventy-five percent (75%), you can move forward. That is the way it functions. What we are saying is, "No, that seventy-five percent (75%) is an arbitrary number and we have been challenged and it has been established as such, so we are recommending to push it

up to full ownership. So, if you do not have the clear power of attorney established in your CC&R documents, then you are going to have to go around and get authorization from all four (4) members of the CPR.” It resolves some of these civil issues or at least it says to the applicant, you have to resolve the civil issues of your shared ownership regime before you come to the County to apply for these permits.

Councilmember Evslin: In CPRs that do not have powers of attorney, because I understand a lot of the older ones do not, would it give veto power to a single owner for any reason?

Mr. Hull: It arguably could, yes.

Councilmember Evslin: Looking at what you provided us with Hawai'i County's definition, it looks like they say the definition is any part-owner. I understand how the seventy-five percent (75%) can be arbitrary, but could we not make an argument of going the opposite direction and saying any part-owner is considered an owner and an applicant is someone with ownership, so then you can do it with a single person could do it—get rid of the seventy-five percent (75%), but then one (1) single CPR owner could do it without permission from any of his neighbors.

Mr. Hull: If that is the policy decision of the body, indeed, the reason the department is not recommending it is, it drags us into so many more civil proceedings. Every time there is an objection between a CPR owner...say you apply for a zoning permit and all your fellow CPR co-owners do not, then it is going to drag us into those civil proceedings, where they are attempting to try to get the permit blocked. That is the thing about CPRs is, as much as it has in many scenarios facilitated the ability for homeownership and the department applauds that aspect of it, at the end of the day it is shared ownership. It is a shared ownership of a single lot of record and making sure that the civil agreements are in place before applying. We think it is in the best interest of the County and making sure that prudence is maintained.

Councilmember Evslin: If you could walk me through a little bit.

Mr. Hull: I am sorry, I just want to add one last thing. If there are, for some of those older CPRs, because they were established kind of in the wild, wild, west days of CPRs, they were essentially established to circumvent many County processes. That is why they were established kind of “willy, willy, nilly.” It is in the best interest of those homeowners that live on CPRs, to amend their CC&Rs to provide themselves with a power of attorney. That is a completely legitimate avenue that they can pursue and really is in their best interest. At this point, the amount of times that our Department gets dragged into civil disagreements between CPR owners is pretty exorbitant.

Councilmember Evslin: If someone builds a house, say, that on the documents calls for a twenty (20) foot setback for the driveway and violates that, then they go to their neighbor and say you violated the documents and takes them to civil court. Is the County involved in that in some fashion?

Mr. Hull: The County can potentially get involved in scenarios where it required a permit and we signed off on the permit and they did not get the authorization, but it did not meet their CC&Rs, so they might go after their neighbor, then simultaneously fold us into the disagreement, because we signed off on the permit. All we are saying right now is, "We have seventy-five percent (75%) authorization, they are good." To that point, the objecting CPR owner will say, "That is an arbitrary number, you cannot have that," as opposed to, if we are able to say, "We have a ownership sign-off and you, the property owner, ceded the power of attorney over to your neighbor in your CC&R, so this equates to full authorization." There is little to no concern about us getting folded into that civil disagreement.

Councilmember Evslin: Yes, I understand how power of attorney would be the goal, if everyone could afford to do it and go for it. I thought it was the case where the County drafts a permit, but it is up to HOAs to determine that they are not in violation of this existing thing. My understanding is that the owner of the lot then, if it gets dragged to civil court, it is on them and not the County. I guess we could talk about it more in Committee Meeting and hopefully we can sit down before. My concern is there is a lot of CPRs where there are neighbor disputes; I think it could be problematic when a single neighbor can have veto power over all their neighbors on any permits granted for any reason and totally be within their legal right to do that. If you said fifty plus one (50%+) is also an option, which would be more defensive on our side, that is something I would be more comfortable with also. That is all the questions I have for you today and we can sit down together at some point soon.

Mr. Hull: Thank you.

Council Chair Kaneshiro: Actually, I am going to ask that we recall this amendment, because there is a correction to the amendment on the section.
Councilmember Chock.

Councilmember Chock withdrew the motion to amend Proposed Draft Bill (No. 2777) as circulated, and as shown in the Floor Amendment, which is attached hereto. Councilmember Evslin withdrew the second.

Council Chair Kaneshiro: You can introduce the...

Councilmember Chock: Actually, this has to be taken separate, so we can leave it as-is, there is no new amendment at this time.

Council Chair Kaneshiro: Okay, we will take the Bill as-is and we can amend it in Committee Meeting if needed. Are there any more questions on the Bill in general? Ka'āina, I had a question, and you may have tried to answer it with Councilmember Evslin, the question of equitable and legal title. Oh, that was in that already, never mind. I do not have any questions then.

Mr. Hull: I would have deferred that to Matt anyway.

Council Chair Kaneshiro: Are there any further questions for Ka'āina? If not, thank you.

Mr. Hull: Thank you.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any final discussion from the members before it goes to Committee? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2777) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 8, 2020, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: Next item.

Proposed Draft Bill (No. 2778) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-4.3(d), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES NOT INVOLVING THE SUBDIVISION OF LAND (*County of Kauai Planning Department, Applicant*) (ZA-2020-13): Councilmember Chock moved for passage of

Proposed Draft Bill (No. 2778) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 8, 2020, and referred to the Planning Committee, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Are there any questions from the members on this item? Do you want a briefing on it? I will suspend the rules. Ka'āina, if you just want to explain this Bill real quickly.

Mr. Hull: Good morning, again, Chair and members of the Council. Ka'āina Hull on behalf of the Planning Department. This Bill is just keeping in line with how the Departments look at allowing further infill and ability to develop the properties slated for multi-family developments. For the past thirty (30) some-odd years, there has been a fifty percent (50%) lot coverage threshold for all residential properties, which has not been problematic, too much, for some of our lower residential properties, like R-1 to R-4, or R-1 to R-6, with R-1 denoting one (1) unit per acre and R-6 denoting six (6) units per acre. It has been problematic for R-10 and R-20 lots, R-10, meaning you can build ten (10) units per acre and R-20, meaning you can build twenty (20) units per acre, in which for the most part, the development scenario on these lots of record would be a multi-family project. So, to a certain degree, because there has been a fifty percent (50%) threshold on those lots, that means only fifty percent (50%) of the lot can have impervious surfaces. On the R-10, R-20 lots, this has become a bit problematic and has become an issue in fully building it out to its maximum potential. The Department has, over the past year and a half looked at various scenarios where increasing lot coverage would be appropriate, so we had a Bill before you folks not too long ago, just to look at increasing lot coverage from fifty percent (50%) to sixty percent (60%) in all residential zoning districts. That was done in consultation...much of the concern with lot coverage to go back is runoff and drainage. The move that this body ultimately adopted a few months ago to push all residential lots up to a sixty percent (60%) lot coverage threshold was done in consultation with the Public Works Engineering Division, which did not see much of an issue concerning drainage at that level. As soon as that Bill was done, I started consulting with Public Works again, to look at specifically, R-10 and R-20 lots to see if we can also begin to move up the threshold on those and for the most part the Engineering Division did not have an issue with it, because these projects densities have to come with on-site retention plan for drainage issues. Looking at something similar in nature, the Department found that in the Neighborhood Commercial district, which is similar in form and character to your R-10 residential lots, we currently have an eighty percent (80%) lot coverage threshold. In our General Commercial, which is also, to a certain degree, form and character, similar in nature to our R-20 lots, we currently have a ninety percent (90%) threshold, so that is what we are proposing in the Bill. In the R-10 lots, property owners are allowed to develop up to eighty percent (80%) of the lot coverage with impermeable surfaces. That would be structures and/or pavement to accommodate the parking for those structures. In the R-20, the property owners will be allowed to develop up to ninety percent (90%). These properties are primarily located in our town core areas, where there is and anticipated to be a fairly hardened urban landscape. That is it, essentially, in a nutshell. Do you folks have any questions?

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: R-10 and R-20, I think of those primarily as apartment buildings. I guess because I live where there is not sewer, how would you be able to do the wastewater treatment? Maybe, there are not many R-10 or R-20, where there is not a sewer system of sorts.

Mr. Hull: Most R-10 and R-20 lots are within sewer systems. I am trying to think. There may be a handful in the Kōloa Town area that are not. Excuse me, sorry, let me take that back. Kōloa Town received form-based code, so the R-10 has been removed.

Councilmember Cowden: If we are doing ninety percent (90%) coverage, have we anticipated the need for some sort of leach field?

Mr. Hull: No, the multi-family structure is going to have to go onto a sewer system. There is not a septic system that can accommodate it.

Councilmember Cowden: Okay.

Mr. Hull: Either there has to be an existing sewer system in place that can handle that capacity or any project of that size that does not have access to a sewer system or a sewer system that is going to handle that capacity is going to have to come with its own small wastewater plant, as well.

Councilmember Cowden: That would be part...

Mr. Hull: That would be part of the coverage.

Councilmember Cowden: The coverage, okay, thank you.

Council Chair Kaneshiro: Are there any questions? I had a question, as we are juggling between form-based code and still having our R-10/R-20 type designations, does this make it even, as far as form-based code and its density, how much of the lot coverage it can do versus someone who is still under older R-10/R-20 type zoning?

Mr. Hull: It depends, because a lot of the messaging, as far as form-based code is concerned is infill development and future development rights, so on and so forth, and it is. With form-based code there is an additional liberty granted for development, that is absolutely true, but then some aspects of form-based code are also looking at allowing for infill, but doing it on a form and character that is in keeping with that existing town core. While Kōloa Town now does not have density, does not have R-20, R-10, or R-4, while as long as you can fit in that form and character. At the same time, form-based code in Kōloa Town restricts it to two (2) stories, it was very adamant from the community saying, "We do not want to go higher. Our form and character is at two (2) stories." That is why I am saying it depends on which specific zoning mechanism you are looking at. It is not a free-for-all in form-based code where you can automatically free up all

development rights. It is freeing up certain development rights, but trying to still keep the form and character of that area. Sorry if I have somewhat of a grey response for you Council Chair, but it just depends, I will have to say.

Council Chair Kaneshiro: I am just mentioning, because as we move forward, we are going to get some developments that are in R-10, R-20, and we are going to get some developments that are form-based code and it is like...as we do legislation moving forward, we have to be cognizant that we do have these two (2), rather than in the past we only had R-10, R-20 designations. Now, we have form-based code and we have R-10, R-20 designations.

Mr. Hull: Yes, that is a valid point that the development community has to get used to in understanding the two (2) different paradigm tracks that go on, but I can say, in relation to, more specifically, lot coverage. As we are doing, say the form-based coding with the West Kaua'i Community Plan, we are specifically listing what type of lot coverages are permissible in each of the transects, so that it is clear for the developer or property owner what the rights are when going into a potential investment.

Council Chair Kaneshiro: Okay, thanks. Are there any further questions from the members? Councilmember Evslin.

Councilmember Evslin: Thanks, Ka'āina. I am excited about this Bill, I think it is needed. From my perspective, it seems like with a fifty percent (50%) or sixty percent (60%) requirement we are sort of forcing someone to have a large yard. In these areas where we have town cores, basically a housing crisis, this does not seem like it should be our priority. One concern that I have is...the intent is stated clearly in here that this is for infill. It is to incentivize and make it easier for multi-family housing development, but in theory someone could also come and build one of these monster houses and cover their entire lot and make it a single-family home. I have seen elsewhere, in Portland or Seattle, they have upper limits for the size of a single-family home in their infill areas. Do we have any limitations on how big a single-family home could be currently on Kaua'i?

Mr. Hull: Currently, no. There are some limitations on the way forms are processed in the special management area and in the form-based code sections there are limitations on square-footage for single-family homes, as well as multi-family homes or similar type uses, but in this proposal, no there are not.

Councilmember Evslin: Okay, thank you.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Just a follow-up. Do you believe that we need more regulation on those in order to curb that kind of construction building on Kaua'i?

Mr. Hull: The response is nuance, Councilmember, I will say, because there has been a lot of discussion going on the island of O'ahu concerning these monster homes and their impacts on neighborhoods. Some of it is

geared at monster homes on agricultural land that are speculative in nature and are driving up the cost of agriculture land and these monster homes are really high-end single-family dwelling units. The Department—I think County of Kaua'i overall—has extreme concerns with the way these mansions are constructed on agricultural land. Some of the concerns that are coming out of O'ahu that we are seeing on this monster home-level on the flip-side of that is large-scale homes that are being constructed, which are actually apartments being put in high-end single-family residents and there is some discussion on those high-end residents not having certain demographics of individuals live in what is now a large-scale looking home, but is an actual multi-family unit serving types of people that they do not want living there. That is why the Department will caution going into discussion carte blanche: “we need to stop monster homes.” There are concerns with certain types of monster homes, but there are certain types of saying, “No, in fact, the Department does believe multi-family construction should be allowed in certain areas” and the messaging that we should stop those monster homes, even if they are multi-family, the Department does not align totally with that, I will be honest.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thanks for that answer. I think your clarification that there is nuance to the issue on monster homes. In other places, as I understand, if you want to build a home this size, you have to ensure that this is a multi-family. We have all these incentives to make it easier for you to build, cover your lot more or go higher, but to take advantage of those it has to be multi-family. Single-family home can be “x” size, a two-family home can be this size, a three-family home can be this size, to ensure that those bigger homes are in fact going and have proper permitting for multi-family uses. That is on my mind, I am just throwing it out there.

Council Chair Kaneshiro: Are there any further questions from the members? If not, thank you. Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: I think we are doing a lot of the Committee work now, but I want to at least get Parks out of here. They have two (2) items that will not have any discussion. I think we can have Solid Waste out of here, I have one (1) quick question for them, which I think they should be able to answer. I know a Councilmember has a meeting soon.

Council Chair Kagawa: The plan would be to get all these items out and then we come back after lunch and continue with Executive Session.

Councilmember Kagawa: Parks has been waiting all morning and let us get them out, so let us keep Committee information in Committee.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

The motion for passage of Proposed Draft Bill (No. 2778) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 8, 2020, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: Next up, Bills for Second Reading.

BILLS FOR SECOND READING:

Bill No. 2770 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*Kekaha Landfill Transition Funding and Equipment – \$1,312,000.00*): Councilmember Chock moved approve Bill No. 2770, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Are there any questions from the members? I will suspend the rules. This is on the Solid Waste Fund, Kekaha Landfill.

Councilmember Kagawa: My question is about the equipment. The brand new equipment, and brand new ownership of running the landfill, are we going to improve our management and care of the equipment? This is one million three hundred twelve thousand dollars (\$1,312,000) of equipment. I do not think we should be driving it without oil, I do not think we should be laughing when we break equipment, I think we should actually be looking to fire these clowns who do that. This equipment is very hard to break, they are made very tough. Just like Ford, it is made tough. When these folks are breaking heavy equipment, they are not operating it as they should with tender loving care and I think we should get rid of these clowns who are supposedly are doing these behaviors.

There being no objections, the rules were suspended.

MICHAEL H. TRESLER, Acting Deputy County Engineer: Acting Deputy County Engineer Mike Tresler. Good afternoon, Councilmember. I know this is something that you have been constantly reminding us and asking us to do and it is also part of the Mayor’s initiative. I think our landfill people have been trained on these equipment, they have worked on similar equipment, we have maintenance plans in place, they understand the value of it, part of the morale-booster was so that we could have ownership and control our own destiny with regards to equipment. We have a request in the budget, and we have talked about this, for mechanics so we can properly maintain the equipment. Message is loud and clear. We can only say that we have committed to make sure that we do a better job in taking pride in maintaining and taking care of our equipment.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Are there any further questions from the members? If not, thank you.

Mr. Tresler: Thank you.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Roll call vote.

The motion to approve Bill No. 2770 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: Again, we are at 12:30 p.m., but the plan is to get through our Bills for Second Reading, then we will take a lunch.

Bill No. 2771 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2019 AND JUNE 30, 2021: Councilmember Kagawa moved to approve Bill No. 2771, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the members? If not, is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Roll call vote.

The motion to approve Bill No. 2771 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualifi	TOTAL – 2*,
RECUEED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Bill No. 2772 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kapa’a Swimming Pool Renovation (Operating Budget) – \$750,000.00*): Councilmember Chock moved to approved Bill No. 2772, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Are there any questions from the members? If not, is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Councilmember Kagawa.

Councilmember Kagawa: Thank you. I know I have said it before, we have two (2) pools. Waimea swimming pool services the westside and Kapa’a swimming pool services the east side A lot of other counties are doing away with having pools, giving it more to the private sector. It is something our residents have had all these years and it would be a tragedy if we do not continue it. This is the only Kapa’a pool we have, too expensive and too late to relocate at this time, so we need to

fix it and keep it running until we can find a more suitable location that is not directly in a tsunami zone.

Council Chair Kaneshiro: Is there anyone else?

Councilmember Kagawa: I will support this and I want to thank Parks for their efforts to get this done.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I just want to acknowledge what a value it is to our *kūpuna* and people aging for exercise it is meaningful and has been missed while it has been down.

The motion to approve Bill No. 2772 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUEED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Bill No. 2773 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-857, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND-CIP (*Kapa’a Swimming Pool Renovation (CIP Budget) – \$1,000,000.00*): Councilmember Chock moved to approve Bill No. 2773, seconded by Councilmember Kagawa.

Council Chair Kaneshiro: Are there any questions from the members? If not, is there anyone in the audience wishing to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? Roll call vote, please.

The motion to approve Bill No. 2773 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUEED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: With that, we will take our lunch break and when we come back we will take our Executive Session items and that Emergency Bill, so we will be back around 1:40 p.m.

There being no objections, the meeting recessed at 12:33 p.m.

The meeting reconvened at 1:38 p.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. Clerk, can you please read the Emergency Bill again?

Proposed Draft Bill (No. 2776) – AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, FOR THE PURPOSE OF FUNDING EMERGENCY EXPENDITURES TO MEET THE PUBLIC EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS “COVID-19,” BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Novel Coronavirus “COVID-19” – \$2,000,000*)

Council Chair Kaneshiro: I will suspend the rules. Councilmember Kagawa, did you want to re-ask your question?

Councilmember Kagawa: I am satisfied with at least getting this report from the Federal and State governments, but I am going to be watching during the next sixty (60) days how much of this we go through and what kind of expenses come through. I know no one has a crystal ball right now; I want to make sure that there is no spending abuse using “the Coronavirus” as a means. I just want to make sure that we are fiscally prudent, the Administration is aware of our concerns on our end, but I am comfortable supporting now. I just wanted to make sure we had more than just the Bill and that we were aware that there are other sources that we can get reimbursements or funding from, and hopefully the County’s funding can be the last one that we use, as much as possible, because we have the least money. Thank you.

Council Chair Kaneshiro: Thank you for providing this information on the Federal and State money streams. I do not think we need to get it reviewed if Councilmember Kagawa is okay with the paperwork that we received. I want to thank you folks for getting the paperwork to us fast and hopefully we can come to a

decision now. With that, are there any questions from the members? If not, are we ready to vote? Are there any last comments from the members? Councilmember Cowden.

Councilmember Cowden: Thank you.

Mayor Kawakami: Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kagawa.

Councilmember Kagawa: I just want to go over...and not make like I was just trying to fill my own ego, but there is two billion dollars (\$2,000,000,000) to help Federal, State, and local governments coming from the Federal government. One billion dollars (\$1,000,000,000) directly to State and local agencies to conduct public health preparedness, and reimbursements incurred by State and local governments for costs incurred responding to the outbreak, so there is opportunity to get some money back. At least the Mayor will have the ability to fund things initially. If it does not get reimbursed, then it does not, but if it does, then it will be free to us. At the State government, there is Senate Bill (S.B.) 75, six million six hundred thousand dollars (\$6,600,000) that may be used by the State, and out of that, Kaua'i will get its portion, especially with Senate President Kouchi being from Kaua'i—I am sure we will get our share to defend against the Coronavirus. Thank you.

Council Chair Kaneshiro: Yes, actually, I think Councilmember Kagawa summarized most of the money. Actually, the question was made and maybe if you want to summarize the money: Federal, State, and what it is for, and then if we have any questions on it.

Mayor Kawakami: To summarize our findings? Sure. Chair, Vice Chair, and Members of the Council, thank you very much for allowing us to have some time to respond to some of the questions. In the big picture that Congress passed, the eight billion three hundred million dollar (\$8,300,000,000) deal, of which two billion dollars (\$2,000,000,000) will be earmarked specifically for Federal, State, local, and tribal governments to prevent, prepare, and respond. Another one billion dollars (\$1,000,000,000) is directly to State and local governments to conduct public health preparedness and response activities. The big picture for Hawai'i with this big appropriation is that ultimately four million five hundred thousand dollars (\$4,500,000) will be appropriated to the State of Hawai'i for reimbursable costs and that is because in any type of emergency or disaster, the counties are the closest to the action, so we usually respond much quicker, and that is why these are reimbursable appropriations. I talked to Senator Schatz personally during the break and he reassured that this is just the first of what they are expecting many waves of funding. This is the priority up in Congress; when asked about this rising to their

top priority list, the response I got is, "This is the priority." This is the first of what they are expecting to be multiple waves coming down to the State and local governments. In the legislature as we speak, of course they are in session, so they are moving a House Bill and a Senate Bill. We will talk about S.B. 75, because there are some tangible dollar amounts and the amount that we have is six million six hundred thousand dollars (\$6,600,000). Those are tagged for contracted services to provide education, multimedia, public education, and awareness campaigns. Of course, that is our first line of defense: teaching people what they can do to protect themselves. Quarantine and self-monitoring...including quarantine and self-monitoring of persons. Laboratory testing, equipment supplies, and the hiring of contract personnel for disease outbreak, surveillance, and response. Five, personnel expenses related to COVID-19 response, including overtime travel and supplies. Six, command supplies and equipment, including the deployment of hand sanitizer stations at critical State facilities and other public areas. Seven, Kaua'i District Health Office for the County of Kaua'i specific response, and lastly, sanitization items. Those are the broken down, sort of big itemization list of what these funds are earmarked for. Elton, do you have anything else that you would like to add to that?

Mr. Ushio: At the County level, of course we have the Emergency Operations Center, which becomes an essential coordination point for County, State, Federal, and private sector partners in our response to this emergency. You will see operations, we will incur some costs supporting those operations, and as we develop plans and contingencies for various scenarios in our Incident Management Team, in our Incident Action Plan, these funds will go towards ensuring our rapid ability to fund staffing, equipment, supplies, requisitioning of property for temporary use, what have you, for a whole bunch of scenarios that we may be faced with. Again, if it is not needed, we will not use it. That of which can be reimbursed, we will by all means get it reimbursed. Our Department of Finance has already created an event code for this, so all County agencies and departments can flag their expenses tied to COVID-19, similar to how we did with RAIN-18, which was for the floods, April 2018, LANE-18, which was for Hurricane Lane. Is there anything else?

Mr. Dahilig: As it comes to personnel costs, if there are costs that need to be tagged, those extra personnel costs need to be routed through the Emergency Operations Center (EOC). Therefore, they are not done independently of one (1) organization. It has to run through the Incident Commander at the EOC before it can be tagged, so that is where we will be making sure that it is "work" that is related to the event and not a "free for all."

Mr. Ushio: Even in the Incident Command, there is a process by which requests are made, called a "213 Resource Request Form," and we utilized that during the floods. That is a standard practice and those satisfied the Federal Emergency Management Agency (FEMA) virtually in every case later on when we were trying to capture records for our expenditures.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you for this broad overview on how the funds might be utilized. Based on today's presentation on how we might see this wave, the pandemic occur, our goal is to sort of actually stretch it out or create smaller bumps, right, in that response or need. It sounds like what is required is to be very proactive in terms of the preparedness piece or to preventing as much as possible. Do you have an indication of what that threshold looks like or is that more of a State call? I know we have low numbers as we have seen, not only nationwide, but particularly in Hawai'i. Within thirty (30) days, this might skyrocket. In sixty (60) days, this might be done...it could be couple months like we saw in Asia and a move quickly through it. I am just curious as to maybe an update in terms of the "red alert," and taking the next step or the next stage, that we might just get a communication on the plan as how it develops. I know the response has been, "That is going to be flexible and we will see how things move forward." Two (2) things, right. Update may be sooner than the sixty (60) days, just so we know what the direction we are moving towards—we want to expend out of this two million dollars (\$2,000,000) in this way and then also how it is that model of action going to be implemented.

Mr. Ushio: We are willing to provide updates financially and operationally. I believe because of our frequent meetings of various types, I know we summarize to our internal partners, including the Office of the County Clerk, our activities at least a couple times a week. Those transmittals are not for public disclosure. They are internal and for official use only, but we do share that with the Office of the County Clerk, so that is one means to update you, but we can also do others.

Councilmember Chock: Okay. It could be sufficient...is just getting those updates and seeing how it is related to the budget. I hate to come sixty (60) days into it and then, "We need another two million dollars (\$2,000,000)" when we have not really been able to do the due diligence of following it along the way. On our end...not your end. Thank you.

Council Chair Kaneshiro: Are there any further questions?
Councilmember Kagawa.

Councilmember Kagawa: I am wondering if, as we search for these answers as far as what we are going to do, say you have a thirty (30) passenger bus, perhaps if there are five (5) passengers and we are doing "wipe downs" to wipe all thirty (30) seats or the other way is have the users, like we ask users to wash their hands. I would say let us be open to some other ways to trying to get by getting the same result with better fiscal strategy, I would appreciate us looking into that as we suggest to our Transportation Agency. Like I said, if we are going to get that deep

into wiping it every time, it would be more efficient if we attack it from a little bit more pragmatic approach, I think. Thank you.

Mr. Ushio: That is appreciated, Councilmember Kagawa, because even from FEMA on down, and you will hear me say this from time to time, they take the whole community approach. It is not government provides all the answers or one level of government. It is all levels of government, private sector, community-based organizations, all the way to the people who we serve; it takes the entire community to respond.

Council Chair Kaneshiro: Not to put you on the spot, I know you are probably thinking about it, but as far as if or when we end up getting it on Kaua'i, we have park events at the County parks, we have huge festivals, I know people are canceling big events all over the United States already—do you folks have any idea if you are going to make a policy saying, “Let us not have big gatherings”? If not, that is fine, too, but if it is going down that road, maybe let people know sooner than later, because I know there is a lot of planning that goes into that type of events. Starting now, even if the event is halfway through the year; but I really do not know what...is the protocol right now? We do not know if the virus will go away, if it will get bigger, but I know there is a lot of planning going into events and...

Mayor Kawakami: I will let Elton answer that as well, but I just wanted to let you folks know that very early on, and I think we just got the list of large events that are County facilities for the next four (4) months, there is a number of them, over one hundred (100) attendees and like I said we purposefully canceled our State of the County address as a public event to really set the tone towards people, so that they can make good decisions as well. If need be, we are willing to make those hard calls as well. Right now as we speak, we have a Statewide Center for Disease Control (CDC) with the Governor and all the mayors speaking on topics such as this, so that we can be synchronized, which will be going back to right after this, but Elton, do you want to add to that as well?

Mr. Ushio: The CDC has released interim guidance for large events for event-planners to consider, but there is no definitive, hard and fast rule on those things. Some jurisdictions have implemented them; we are looking at those studying best practices what could be applicable here, and as the Mayor said, it is a statewide look and consideration. In short, large events, many of them, the organizers are choosing to cancel on their own. State and local governments have not taken a definitive position on it, but where the event would overwhelm or strain local planning and response and medical resources, potentially. Those really need to be scrutinized and if still done, contingencies need to be made. It is not always feasible for County Emergency Management to come up with all contingencies if, say, it is an external organization bringing in lots of people.

Mayor Kawakami: We need everybody's corporation because as we speak there was a conference scheduled for next week where the organizers were planning on canceling until they really got dinged by a big cancelation fee, so they decided that they are going to come. Here is a group that wants to do the right thing, but it is hard pressed when they are being penalized for trying to do the right thing. I know everyone is worried about the downturn in the economy, but first and foremost, the public health and safety of our people come first. Like I mentioned before, the CDC has guidelines, but if we get to a point where we feel that we need to...and the Department of Health does not like using the term "pull the trigger," and neither do I, but if someone has to flip a switch to make a hard decision, we are willing and able to do that.

Mr. Ushio: Because we are working so closely with our partners at the Department of Health, they remind us that currently we do not have any evidence of community spread within Hawai'i. But at that point when that is determined or should it be determined, then that could be a possible trigger point, sorry Mayor, at which additional actions are considered. Those are already being looked at.

Council Chair Kaneshiro: Councilmember Cowden, and then Councilmember Chock.

Councilmember Cowden: So, we do not have any evidence because we are not testing anyone, is that correct? That is what makes us...is a big piece of why we do not have evidence.

Mr. Ushio: I cannot speak definitely to that. I am not an expert in public health, but there is some testing and as we speak, that testing capacity and capability is being augmented through addition of private sector labs, so this week or next week, we should see more extensive testing, also with that sentinel surveillance program.

Councilmember Cowden: Just for clarity, you would prefer the people not have these events? I know there is a threshold of one hundred (100), the CDC has something, but what are we looking at?

Mayor Kawakami: Councilmember Cowden, at this time because we are still learning so much about this virus every single day and since it has become clear that you may be asymptomatic, meaning you do not look or feel terribly ill, but you might be carrying the virus, we are telling people to please take the necessary precautions as far as hygiene and to get to your point, the testing is one (1) way to be able to identify, but because this virus looks so much like the cold and flu, it makes testing sort of a challenge as well to be able to identify what we are actually dealing with at this point. As far as public events, like I said, we have decided to take the

proactive measure to cancel the State of the County address. We are even taking a look and seeing that we still have business that needs to be conducted here as Councilmembers, we have a number of boards and commissions that are held to the Sunshine Law. At this point, we feel it would be appropriate to see if video conferencing in might be an option to still comply with the Sunshine Law and yet have you folks be able to conduct business. That to me is a good question to our attorneys and to the Attorney General as well.

Council Chair Kaneshiro: Councilmember Chock, and then Councilmember Evslin.

Councilmember Chock: Have the other counties already enacted emergency funding at the local level or are we the first?

Mr. Dahilig: We are the first to actually get the bill to follow within the Sunshine Law parameters. The Governor still has not waived Chapter 92 yet, so those other counties are already rolling, we just happened to be able to jump on it, understanding the timing of the Council agenda and calendar.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I mentioned earlier that I saw on the CDC website that the recommendation for businesses was to take proactive measures to develop or make their sick leave policies more flexible to ensure that...I think one of the problems nationwide is that people still come to work when they are sick, because they are struggling and they cannot afford to not be at work. In the case of this, people can be out in isolation or quarantine for up to three (3) weeks or caring for a family member. Are you folks looking in trying to develop more flexibility within our sick leave policy?

Mayor Kawakami: As we speak, we have a Video Teleconference (VTC) meeting that we should be getting back to, we have our Human Resources (HR) Department, our State Human Resources Department taking a look at those very issues that you are talking about and of course, collective bargaining. We have talked about...you know, after three (3) days, you have to go in and get a doctor's note. We do not want to overwhelm our healthcare system and so these are all topics that we are trying to finalize as we speak.

Councilmember Evslin: My hope is that if there is a change that we can just make it really clear to all County employees, strongly encouraging them to...

Mayor Kawakami: We will and that is why this VTC that is going on is critical for us to be back at.

Councilmember Evslin: Great. Thank you. I had some questions regarding our Meals on Wheels Program that we help fund and I just saw that on O'ahu they implemented a protocol...I think they drop the meal at the front door and they can have no contact with the elderly person in the house. Theirs is operated by some nonprofit, I believe, but can we implement the Meals on Wheels protocol or is that up to the Kaua'i Economic Opportunity (KEO) to do and also the potential of expanding the program for seniors who are in quarantine?

Mr. Dahilig: We can take that suggestion and pass it along to the Office on Elderly Affairs and see what the Director comes up with.

Councilmember Evslin: It seems like one of the most important, sort of, first lines of defense we have to ensure our seniors are okay in their homes.

Mayor Kawakami: Yes, and that is the challenging part, too, because I can just imagine with my parents not being here, but we would tell my mom and dad, "Hey, you have to be careful," and their attitudes were, "I grew up drinking Waimea Ditch water, I do not think this thing is going to impact me." For our elderly population out there that is watching, we really want to take proactive measures to protect you, so we cannot stress enough how important it is for those folks to wash their hands. The customary gestures of *aloha* that we have become accustomed to, hugging and handshakes, it is completely appropriate to be rude and just wave, but we are really trying to get that point across, especially to our elderly population. We really need them to be proactive as far as not getting sick.

Councilmember Evslin: Thank you.

Council Chair Kaneshiro: Is there anyone else? If not, thank you.

The meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion? Councilmember Kagawa.

Councilmember Kagawa: I am going to support, but just be very careful about this sick leave type of thing, because what is going to happen is we are going to bankrupt this County if we give sick leave away, because we do not want people coming to work if they have a cold. It has to be a way where they can pay back their sick leave in time, but it is just opening up a big can of worms if we start giving it away, because you will have some abuse going on. I almost guarantee it. We will see what the Federal government does, we will see what the State does, and then let us decide what is best for us. I know this is a serious situation, but let us make sure that we be very careful before we press that panic button.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote. Again, we need every single vote on this to be affirmative for it to pass.

The motion to approve Proposed Draft Bill (No. 2776) pursuant to Kaua'i County Charter Section 4.02K, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: Motion passes.

Mayor Kawakami: Thank you very much. We really appreciate that.

Council Chair Kaneshiro: Next up is Executive Session.

EXECUTIVE SESSION:

ES-1023 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel's continued services to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1024 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), the Office of the County Attorney, on behalf of the Council, requests an Executive Session to consider questions and issues pertaining to Council's powers, duties, privileges, immunities and liabilities as it relates to Councilmember Arthur Brun.

Councilmember Chock moved to convene into Executive Session for ES-1023 ES-1024, seconded by Councilmember Cowden.

Council Chair Kaneshiro: With that, I would like to have a little discussion on ES-1024 with Matt here, because I believe some of it can be discussed in open session. If it gets into personnel matters, that is what the executive session is for. We have been getting a lot of questions. I know it is contentious, this is regarding Councilmember Arthur Brun, and I just want Matt to reiterate what we

have been putting out in the public. I have been getting questions about asking Arthur Brun to resign, which I have absolutely no clue how to get in touch with him. I am pretty sure he knows his options as far as what he can do, but as far as restating the rules and what we can do, Matt, I just have a few questions. You might be repeating what we put out in the public, but the more information we have out in the public, the better. In what situation or circumstance can a Councilmember be removed from office, which is a question that we get all the time?

MATTHEW M. BRACKEN, County Attorney: Matt Bracken, County Attorney. There are three (3) situations. They remove their residency, they are convicted of a felony, or impeachment. And just to expand a little bit on each of those, Kaua'i County Charter Section 3.04.B. states, "Any councilmember who removes said councilmember's residence from the county or is convicted of a felony shall immediately forfeit the office." There is a Supreme Court case on point that basically says that happens immediately. If either of those two (2) things occur, it is immediate removal from office. Residency is governed by Chapter 11 of the Hawai'i Revised Statutes (HRS), so specially Section 11-13(5) states, "A person does not gain or lose a residence solely by reason of the person's presence or absence while . . . confined in a prison." Therefore, residency does not change if someone is imprisoned. For impeachment, that is covered by Section 23.13 of the Charter, which basically says, "Any officer appointed or elected may be impeached for malfeasance, misfeasance, or nonfeasance in office." The charge is brought in Circuit Court, but it requires a verified petition for impeachment signed by not less than five percent (5%) of the voters registered in the last General Election. That would be a court process, the impeachment.

Council Chair Kaneshiro: Another question we get is, "Is the Council able to remove a Councilmember from office?"

Mr. Bracken: No. Councilmembers are elected by the voters and can basically be removed by the voters.

Council Chair Kaneshiro: Through the impeachment process.

Mr. Bracken: Through the impeachment process, so no direct mechanism.

Council Chair Kaneshiro: We also heard about the Board of Ethics initiating an impeachment process. Can you familiarize us with that?

Mr. Bracken: The Board of Ethics under the Charter can start impeachment proceedings, but the Board of Ethics' powers are limited by the State Constitution and the Charter. Specially, the Constitution requires the County to adopt a Code of Ethics, which shall apply to appointed and elected officers and employees of the State or of the political subdivision. It further states that the Code of Ethics shall be administered by a separate Ethics Commission, so then our Charter Section 20.05 authorizes the Board of Ethics "to initiate, receive, hear, and investigate complaints of violations of the code of ethics." The impeachment power that the Board of Ethics has is directly related and only related to breaches of the

Code of Ethics. Just to emphasize that point, the rules of the Board of Ethics, under the duties and responsibilities, states that the Board shall be responsible for the Administration of the Code of Ethics. While the Board of Ethics can initiate impeachment proceedings, it is only and directly related to breaches of the Code of Ethics. That is a little bit separate from the general impeachment powers, which are related to malfeasance, misfeasance, and nonfeasance, so they do not have that authority.

Council Chair Kaneshiro: Okay, so there is not much that we can do. If we have any questions, we can ask Matt now, and then obviously if that question has to be addressed in Executive Session, just say, "We will address it in our Executive Session." Councilmembers, do you have any further questions on what we just talked about? Councilmember Chock.

Councilmember Chock: In addition to the questions that came in that the Chair mentioned, there have been some questions about the ability for this body to regulate itself with one of its members to our rules. Are there parameters within our rules that would allow for suspension or suspension without pay? Some of the questions that are arising in the community are about our role and what we have power over, separate from impeachment.

Mr. Bracken: Your ability to create rules is somewhat limited under the authority of the Charter. To an extent, your rules allow for some...well, it would almost need to be amended to allow for some sort of censorship, but it would only be to a certain extent, and that extent I would prefer to discuss in Executive Session.

Council Chair Kaneshiro: Councilmember Cowden, and then Councilmember Kagawa.

Councilmember Cowden: Maybe you have just answered this, but if someone is absent because they are incarcerated, is that an excused absence?

Mr. Bracken: Under your rules, an excused absence is only an absence that is excused by the Council Chair, so that would not be considered an excused absence, unless it has been excused by the Council Chair.

Councilmember Cowden: And so if someone has a sequence of unexcused absences, that would be censored without pay.

Mr. Bracken: That is another topic I would prefer to discuss more in Executive Session.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: My intention was to discuss the excused absence versus the non-excused in Executive Session, because that is a question that I do not know what the answer is on that either. Councilmember Kagawa.

Councilmember Kagawa: I know the answer, but I am going to ask you. What comes first, the Council Rules or the Fifth Amendment of the United States Constitution?

Mr. Bracken: You should definitely invoke the Fifth Amendment of the U.S. Constitution.

Councilmember Kagawa: Thank you.

Council Chair Kaneshiro: Are there any other questions from the members?

Councilmember Kagawa: Can you reiterate what the Fifth Amendment is?

Mr. Bracken: That is essentially your right to remain silent, right?

Councilmember Kagawa: Due process, right? Due process says no one shall be deprived of life, liberty, or property without due process of law.

Mr. Bracken: That is correct.

Councilmember Kagawa: Basically, whatever assumptions that we come up with, which are probably...we have to wait for the court of law or we could put this County and its taxpayers with prior action, we could put our taxpayers on the hook for a lawsuit.

Mr. Bracken: That would definitely be a subject...

Councilmember Kagawa: That is why I think we have to be very careful, because what you want to do and what you feel the public wants, you have to put your taxpayers first even though they may not feel it at the time, because of the emotion of what has happened, however you do not want to put the County and its taxpayers on the hook for a lawsuit, knowing that due process is first and foremost a right granted to every citizen of the U.S.

Mr. Bracken: That is a subject that can be discussed more in executive session.

Council Chair Kaneshiro: Are there any further questions from the members? Councilmember Evslin.

Councilmember Evslin: This has kind of been referred to a little bit and it sounds like we will be discussing this in executive session, but for clarity and it has been a question that has been asked commonly by the community. "Malfeasance, misfeasance, nonfeasance," would an inability to attend a meeting be considered one or any of those?

Mr. Bracken: It very well could be. None of those terms are actually defined in our Charter, so in the end that would be a Court that would make that determination.

Councilmember Evslin: Okay. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Kagawa.

Councilmember Kagawa: I just want to summarize. I wish Arthur, as a friend, would resign, but I think he is going to do what he wants to do. Whether you do a resolution or whether we ask more important questions, the fact of the matter is, we are going to come down to, are we willing to violate his right to due process? That could put us in a very bad position legally. Are we just going to wait for the due process to occur or are we going to risk it and I think I am confident that the six (6) of us...that we can do until the next election, I believe we can do a fine job. We have six (6) individuals that ask diverse questions on every topic and it is like a team losing a player. What are you going to do? You just have to step up and we can function, we have functioned. When the time comes, we will find that seventh member, which will make us even stronger, but until then, I do not why we would even push it. We will hear more from Matt. I know, yes, you push it because the public wants us to push it, but we cannot push what violates the Constitution. I do not want it to seem like I support him; I do not support him, but I do support granting our taxpayers from being on the hook for a big lawsuit. In this case the Constitution is not made to be broken. The rules are set.

Council Chair Kaneshiro: Is there anyone else? If not, anyone in the public wishing to testify on any of these items?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion before we go into Executive Session? Can I get a roll call vote to go into Executive Session?

The motion to convene into Executive Session for ES-1023 and ES-1024 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: With that, we need to come back out to vote on the two hundred thousand dollar (\$200,000) special counsel. We will be back out to vote on that. We will take our Executive Sessions items now.

There being no objections, the Council recessed at 2:17 p.m. to convene in Executive Session.

The meeting reconvened at 2:31 p.m., and proceeded as follows:

Council Chair Kaneshiro: Welcome back. Clerk, on page 4, can you read C 2020-71?

C 2020-71 Communication (02/27/2020) from the County Attorney, requesting Council authorization to expend additional funds up to \$200,000.00, for Special Counsel's continued services to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations: Councilmember Kagawa moved to approve C 2020-71, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Kaneshiro: Seeing none, is there any discussion from the members? If not, roll call vote.

The motion to approve C 2020-71 was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, Evslin, Kagawa, Kaneshiro	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kualii	TOTAL – 2*,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Kaneshiro: With that, our Council Meeting is complete, but we still have one (1) more Executive Session item.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 2:32 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:jy

*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).

(March 11, 2020)
FLOOR AMENDMENT
Proposed Draft Bill (No. 2777), Relating to Definitions

Introduced by: MASON K. CHOCK, Councilmember (By Request)

Amend Proposed Draft Bill (No. 2777) in its entirety to read as follows:

“SECTION 1. Chapter 8, Section 8-1.5, Kaua‘i County Code 1987, as amended, is hereby amended by amending the definitions of “Applicant” and “Owner” to read as follows:

““Applicant” means [any person having a controlling interest (seventy-five percent (75%) or more of the equitable and legal title) of a lot; any person leasing the land of another under a recorded lease having a stated term of not less than five (5) years;] an owner or any person who has full written authorization of [another having the controlling interest or recorded lease for a stated term of not less than five (5) years.] the owner.

“Owner” means the holders of [at least seventy-five percent (75%) of the] equitable and legal title of [a lot.] land in fee simple.”

SECTION 2. Chapter 8, Section 8-3.1(b), Kaua‘i County Code 1987, as amended, is hereby amended to read as follows:

“(b) Applications. [The owner or lessee (holding under recorded lease the unexpired term of which is more than five (5) years from the date of filing the application), or any person duly authorized by the owner or lessee of the property affected, or any utility company possessing the power of eminent domain,] Applicants may file a written application with the Planning Department for a zoning permit of the required type on a form prescribed by the Planning Department. The application shall contain or be accompanied by:

(1) A non-refundable filing and processing fee in the amount indicated in Subsections (c)(1), (d)(1), (e)(1) or (f)(1), as applicable.

(2) A description of the property in sufficient detail to determine its precise location.

(3) A plot plan of the property, drawn to scale, showing all existing and proposed structures and any other information necessary:

(A) To show conformity with the standards established in this Chapter; and

(B) To a proper determination relative to the specific request.

(4) Any other plans and information required by the Planning Department.”

SECTION 3. Severability. If any provision of this Ordinance or the application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring need not be included.

SECTION 5. This Ordinance shall take effect upon its approval.”

(Material to be deleted is bracketed. Material to be added is underscored.)

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